



Fachkommission  
Integrationsfähigkeit

# Shaping immigration Society together

**Report of the Federal Government  
Expert Commission on the Framework  
Conditions for Integration Potential**



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## Preface

Migration and integration have shaped and continue to shape the society of the Federal Republic of Germany. These topics are therefore part of the political and media discourse in the country. They are part of the agenda of societal debates and they also have an impact on people's everyday lives. So what are the conditions conducive to migration and integration? How can migration and integration be managed in the best possible way?

The coalition agreement for the 19th legislative period included the following stipulation concerning this issue:

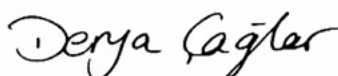
*“An Expert Commission of the federal government shall be established to examine and discuss the framework conditions for integration potential and submit a corresponding report to the German parliament.”<sup>1</sup>*

On this basis, the cabinet convened 25 members of the Expert Commission to examine and discuss the framework conditions for integration potential in January 2019. The Federal Government Commissioner for Migration, Refugees and Integration in the Chancellery, Minister of State Annette Widmann-Mauz; the Federal Minister of the Interior, for Construction and Home Affairs, Horst Seehofer and the Federal Minister of Labour and Social Affairs, Hubertus Heil, asked us, Derya Çağlar (Member of the Berlin House of Representatives) and Ashok Sridharan (former Lord Mayor of Bonn), to chair this Expert Commission. We were happy to accept this request and would like to thank them for the trust they have placed in us.

The Expert Commission consists of renowned experts from the academic realm as well as experts from government agencies and other relevant organisations. These experts met for the first time on 20 February 2019 for the constituent meeting. Their discussions took place in numerous meetings of both the entire Expert Commission and its various working groups. These discussions, which at times were also contentious, led to the comprehensive report of the Expert Commission, which is now available and which would not have been possible without the incredible professional expertise of the members of the Expert Commission and the extensive amount of time they put into their efforts. Moderating this constructive exchange of ideas both challenged and enriched us as chairpersons. In this context, we would like to express our gratitude to the dedicated team in our office, whose support contributed substantially to the completion of the report within the given time frame. On behalf of all members of the Commission, we extend our sincere thanks for their prudent, assured and very patient support.

The constraints imposed by the COVID-19 pandemic did not make it any easier to deliberate and vote on content, key messages and recommendations. However, the lessons learned from the crisis have also led to a reassessment of the challenges related to integration in some areas.

In this respect as well, we believe the entire report is very much worthy of your attention.



Derya Çağlar



Ashok Sridharan

Chairpersons of the Expert Commission on the Framework Conditions for Integration Potential

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<sup>1</sup> Coalition agreement between the CDU (Christian Democratic Union), CSU (Christian Social Union) and SPD (Social Democratic Party of Germany) for the 19th legislative period, Section VIII: “Managing immigration – promoting and supporting integration”, Clause 1: “Refugee policy”, lines 4809–4811 (Press and Information Office of the Federal Government 2018a).

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# Key messages

## 1. Germany has a great variety of immigrant groups

Germany has developed into by far the most important destination for migration in Europe; and stands at the 2nd position worldwide, after the USA. Thus, it is a de facto country of immigration. Migration is an integral part of German society. Migration influences German society – it has done so in the past, continues to do so in the present and will do so in future as well.

The Expert Commission is therefore of the opinion that it is necessary to develop a clear understanding of what it means to be “German”, including the criteria of belonging that take into account the diversity of Germany as a country of immigration. This will create a new “we” and with it the basis for healthy coexistence. Nevertheless, there will always be different ideas and controversial debates about how to shape migration and integration policy. Such debates are perfectly legitimate. Different ideas about immigration and integration policy are of course to be accepted in democratic societies, as long as they are rooted in the respective constitutions and respect the dignity of everyone in such a society. After all, the conditions for entry and residency must be decided upon politically.

## 2. Migration offers opportunities if integration is successful

The proportion of immigrants and their descendants among the German population will continue to rise in the next decade. This also presents opportunities: Successful integration in terms of education and the labour market can yield considerable economic gains and even income for the welfare state, especially in light of the demographic transformation in Germany. Open societies can also benefit from increasing cultural and social diversity. However, as past experience with migration and integration show,

these opportunities also go hand in hand with risks. Such risks include rifts in the opportunities in the education market and labour market and with regard to opportunities for livelihood; above average unemployment for immigrants and their descendants (especially with regard to women); social, political and cultural conflicts and exclusion and discrimination – to name just a few problems. Migration is also likely to exacerbate the urban-rural divide, which would be intensified by the demographic transformation in any case. However, none of these processes are a given and it is also possible to shape them. The Expert Commission recommends an active migration and integration policy that recognises opportunities and attempts to exploit them in the interest of the entire population. The report makes specific proposals to this end.

## 3. Conflicting goals between asylum and integration policy must be recognised and reduced as much as possible

The asylum policy and the integration of beneficiaries of protection in Germany primarily relate to the pursuit of humanitarian goals that are anchored in international law, European law and the fundamental right to asylum in the German Constitution. The Expert Commission is aware of these obligations. Admittedly, many areas of asylum and refugee policy have proven to be dysfunctional in recent years. It is an undisputed fact that reforms in the asylum system are necessary at the global, European and national levels. It was not part of the Expert Commission’s mandate to develop such reform proposals, but certainly proposals for the integration of well over 1.8 million people seeking protection in Germany, and at any rate, for the large majority of those who have a legally recognised right to protection.

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At the same time, the integration of beneficiaries of protection again raises the question of migration management. If such management is successful, it increases the scope of action for an asylum and refugee policy aligned with humanitarian principles. Conversely, the duration of asylum procedures, access to integration courses and language programmes, and remain in residence restrictions requirements influence the chances of success for integration. Conflicting goals arise here as well, especially when dealing with people in asylum procedures and with persons with tolerated status who do not leave the country voluntarily and are also not deported. In addition, an active integration policy and better participation opportunities can increase the migration incentive for persons without a legitimate right to protection.

Among all the different opinions, the Expert Commission basically agrees that a functional asylum system must differentiate between persons with and without a need for protection, which also means that repatriations will be necessary when asylum applications are rejected. This does not rule out promoting opportunities for well integrated protection seekers to stay in Germany even if they do not fall under the categories for so-called education and employment tolerance. In principle, the Expert Commission recommends the continuation and further development of the largely successful efforts for integration of beneficiaries of protection.

#### 4. Integration is more or less an unending task that pertains to everyone

According to the view laid out here, integration should be separated from migration and understood more comprehensively than has previously been the case. Integration is a process that affects society as a whole, which means everyone needs to make an effort if integration is to be successful. At the same time, integration is an ongoing task. It can be successful only if participation is also combined with the duty to actively contribute to the community of solidarity. In the process, everyone must be able to trust that the state is maximising the opportunities of migration and minimising the risks through an appropriate policy. Integration as an ongoing task also means finding answers that are needed in the short term and, above all, creating institutional structures for the long term, whereby these structures need to be coordinated with one another, with a focus on the tasks ahead.

Successful integration is in turn a prerequisite for social cohesion. In a modern, pluralistic society, integration is rooted in equality and belonging, an obligation to obey

laws, the maintenance of civil etiquette and the concept of an increasingly changing self-image. It requires not only the sharing of opportunities, but also active participation in diverse opportunities and tasks. The state cannot decree cohesion; it needs more than the formal observance of laws. This also includes a constructive discussion of conflicts that arise as a result of coexistence, an exchange of ideas about different situations and the search for compromises.

#### 5. Integration means participation, representation, and recognition

Immigration increases diversity. As things stand today, over 25 per cent of the population in Germany are immigrants or the descendants of immigrants. According to the Expert Commission's comprehensive view of integration, ensuring equal opportunities means working towards ensuring that members of all social groups are adequately represented at all hierarchical levels of politics, administration, business, science, culture, media and civil society in accordance with their qualifications and abilities. In this sense, state institutions should be forced to open up in a manner that is oriented towards social diversity, because the actions of the state send a message to society as a whole. This applies to immigrants and their descendants as well as other social groups which tend to be disadvantaged.

#### 6. Proactively preventing discrimination and treating one another with respect are prerequisites for participation and compassion

An integrated society is one that does not discriminate and enables all population groups to participate with equal opportunities. We are far from achieving this goal. Discrimination can happen not just intentionally, but also unintentionally – and especially structurally and institutionally. It is thus a general issue that also affects other groups apart from immigrants and their descendants. Prejudice, exclusion and discrimination adversely affect the identity and the sense of belonging of the affected person and hence the cohesion of society as a whole in the medium and long term. Exclusion and discrimination also have an economic cost. Experiences of exclusion and discrimination when interacting with public authorities or within the framework of government activities shake the individual's confidence in the state. Discrimination must therefore be fought continuously; among other things, legal and practical protection against discrimination must be improved and social awareness must be raised.

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## 7. Common terms and language must be scrutinised

It is important to pay attention to sensitive use of language in public discourse, not least in order to counteract polarisation and politicisation. Generally used terms and legal differentiations do not always match; apart from that, the context in which they are used in each case has to be considered. Therefore, the active shaping of a country of immigration also includes the analysis of terms and concepts and their use, because these also always send (implicit) messages. With this in mind, the Commission proposes the definition of the concept of “migration background” to be made clearer and simultaneously narrower than before within the framework of official statistics. In addition, it is proposed to no longer speak of “persons with a migration background”, but instead of “immigrants and their (direct) descendants”. The Expert Commission understands that this term also poses problems. However, an ideal solution in the sense of a universally applicable term that fulfils academic as well as colloquial and political expectations is not possible in the view of the Commission members.

## 8. Equal opportunity in education is indispensable

Education is extremely important for integration. Children and young people, with or without a history of migration, can best be served if educational institutions recognise and take into account their social situations and their linguistic, cultural and religious diversity. Considering the different learning requirements, differentiated encouragement and support in daycare centres and schools is necessary to reduce discrimination associated with family background, especially in terms of social inequality and different linguistic learning requirements. Schools must provide high quality teaching and learning opportunities that focus on individual potential and development levels and which ensure minimum standards so that all students can achieve a level of competence that enables them to have a successful education and allows them to effectively participate in society. The state therefore has a duty to ensure that education in Germany is made more equal in terms of opportunity. To this end, the quality of educational opportunities must be enhanced and ensured, especially in the area of language learning and language development. In addition, education pathways should be kept open for a longer period of time.

## 9. The skills of immigrants should be put to better use and their competencies should be strengthened

There have been considerable advances over the past two decades in terms of integration policy and the results of integration. Nevertheless, there are signs of increasing polarisation at the upper and lower ends of the qualification spectrum. Immigrants often cannot use the knowledge and skills they obtained abroad. Thus, generally speaking, there is still a distinct gap regarding opportunities in education and the labour market, and this especially affects those seeking protection. Therefore, it is a function of integration policy, and above all education and labour market policy, to promote the recognition of qualifications obtained abroad and to strengthen the competencies of immigrants. All people living in Germany must be able to acquire the basic skills needed for active participation in society and the labour market.

Language development plays an important role here because solid knowledge of the German language holds the key to active participation in all areas of society. However, it is also important to promote the acquisition of school and university qualifications in Germany on an equal footing.

## 10. A foresighted immigration policy can improve integration in the labour market

In view of the demographic transformation and lower levels of migration from other EU member states, Germany, in formulating its immigration policy, faces a challenge in that its labour market must be opened far more for persons from non-EU countries if the potential workforce is to be even roughly stabilised. The legislature has tried to take this into account with its new immigration act for skilled workers. The Expert Commission strongly welcomes the elimination of the priority check in particular and advocates lowering the thresholds for economic migration even further. In addition, the processes for recognising qualifications acquired abroad and certifying qualifications acquired through vocational experience should be simplified. Integration opportunities for immigrant workers can also be considerably improved by needs-based control of labour migration.

## 11. Integration requires sustainable urban development and social housing policies

Housing is a human right and a cornerstone of social participation in Germany. Firstly, the housing situation must be adequate and stable. Secondly, the question of where

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and how a person lives influences the opportunities for participation – i.e. the extent and type of social and neighbourly contacts; social recognition, well-being and health and accessibility to infrastructure, educational institutions and workplaces. This is particularly true for immigrants, for whom structural barriers make access to the housing market more difficult.

The necessary legal and financial means must be provided to the municipalities, especially in metropolitan areas, in order to create housing space and manage residential structures. A far-sighted integration policy strengthens neighbourhoods that provide special integration services and services for the urban society. The Commission recommends an active housing and land development policy that aims to provide more housing space while also prioritising the affordability of and access to housing space. Such a policy mobilises resources and generates additional resources by consolidating sustainable urban development, housing, and integration.

## 12. Equal health-related opportunities are a prerequisite for successful integration

Successful integration requires equal healthcare opportunities. The health of immigrants and their direct descendants is determined by the same social and economic factors as those that impact the native population. Nevertheless, on average they are worse off in this case. In particular, educational disadvantages, low incomes as well as an adverse working and housing situation affect health, as do social exclusion and racism. An improvement in the socio-economic situation and efforts to eliminate exclusion and racism therefore make a major contribution to improving the health of immigrants and their descendants.

In order to ensure equal and non-discriminatory access to healthcare and medical treatment, linguistic and cultural barriers in health services must be removed and treatments sensitive to diversity must be established and further developed. Presently, there are restrictions in terms of entitlement to healthcare services for individual migrant groups. From the perspective of health, restrictions in healthcare services that apply to individual groups of people should be lifted and these groups should be granted services equivalent to those granted to welfare benefit recipients. Policies here additionally incorporate further aspects into decision making, whereby these aspects are assessed differently by the various members of the Expert Commission. Seasonal workers and protection seekers must be given accommodation in a manner that ensures they can comply with the safety regulations for COVID-19.

This requires an accommodation where it is possible to maintain distance and comply with the hygiene rules.

## 13. Racism, hate crime and terrorism threaten the very fabric of society

Racism, hate crime and terrorism contradict the values that form the foundation of Germany's free democratic order. These phenomena can presently be seen in right-wing extremism and right-wing terrorism, which threaten the very fabric of society and cannot be countered by temporary individual projects. In fact, fighting these phenomena is an ongoing task for security authorities and everyone who lives in Germany. This also includes greater civic engagement against racist and antisemitic speech and actions in everyday life, as well as a basic consensus regarding the rejection of violence and the belittling of any individual. The various forms of extremism should not be played off against each other; instead, they must all be fought, and preventive measures must be taken to avoid them. An effective approach against extremism requires that all social groups recognise and respect the state monopoly on the use of force.

## 14. Integration is an investment in the future

Integration is a cross-sectional task concerning all political areas and levels. It must be implemented on-site, and there are also costs associated with it. However, these costs are also an investment in the future of society. Potential resource conflicts in communities need to be considered here. These exist independently of migration, but they can be exacerbated, and also mitigated, by migration. However, resource conflicts should not be addressed in terms of their origin but instead in terms of the need for action. Their resolution also requires a willingness to compromise in the political process.

It should be possible for municipalities to implement mandatory and permanent components of integration policy in order to strengthen social cohesion. The federal government and the states must support the municipalities to a greater extent and, above all, continuously, with implementation measures. This must occur within the framework of an organised financial system that provides incentives for the efficient use of limited resources. It is also necessary to enhance the efficiency and success of methods for monitoring the providers and users of the funds to be provided. In this context, integration measures at all levels must be evaluated to a greater extent and on a scientific basis. Once all of this is achieved, migration and integration can offer benefits to everyone.

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# 1 Perspectives for Germany – An introduction

Germany has become a country of immigration over the past decade and it will continue to be shaped by migration in future. The question is therefore not whether Germany wants to be a country of immigration but rather how we should deal with the facts at hand, since states can pursue very different immigration and integration policies. This report contains answers to this and many other questions as provided by 25 experts from varied academic, political, and civic fields who have been dealing with processes of migration and integration for many years now. They were all appointed by the federal government as members of the Expert Commission on the Framework Conditions for Integration Potential in January 2019. In this manner, the federal government implemented a project from the coalition agreement concluded between the CDU, CSU and SPD in 2018.

At that time, the coalition negotiations were conducted in an atmosphere marked by a certain amount of pressure caused by the fact that a large number of people had sought refuge in Germany in 2015 and 2016. The announcement that migration movements would be better managed in future and the idea that there were measurable limits to “integration potential”, for example in the areas of schools or housing, which needed to be determined and adhered to, were also an attempt to counteract the uncertainty that had engulfed parts of the population. At the same time, and this is also clear from the agreement, the coalition parties were aware that migration and integration policy cannot be limited to those seeking protection, because forced migration is only one part of immigration to Germany. In the past years – and this applies even if we include the years 2015 and 2016 – the overwhelming majority of all migrants did not come to Germany as protection seekers. In the past decade, well over half of the total influx was accounted for by people from other countries of the European Union, who came to Germany within the framework of freedom of movement within the EU. In addition, there are a growing number of people who move

to Germany from third countries for gainful employment, study or as a part of family migration.

Migration and integration are processes to which everyone contributes and which can only be conducted together. For migrants who are new to a country, the challenges are especially great since the labour market, society, language and education system in their country of origin are often completely different. Because of this, they have difficult starting conditions in Germany, which can affect the following generations to some extent. Moreover, immigrants and their descendants encounter rejection and discrimination in Germany to a certain extent. The challenges faced by people who migrate are also part of a holistic debate, just like the challenges owing to migration which can arise for those whose families have always lived in Germany, or at least for many generations.

It should also not be forgotten that almost two-thirds of all immigrants have been in Germany for more than ten years. According to a micro census conducted in 2019, more than one out of every four people in Germany had a migration background (according to the Federal Statistical Office’s previous definition); the figure is far higher in the group of young people. Immigration and the associated diversity have thus long since become a reality in our country. Immigrants and their descendants have helped shape Germany for many years now. Therefore, it will take a lot more than just a view of short-term developments to promote cohesion in society and explore the scope for political configuration.

In the course of its deliberations, the Expert Commission decided to steer clear of the concept of “integration potential”, as this represents a restrictive definition in its view. Notwithstanding the different perspectives of its members, the Commission is of the opinion that something like the “integration potential” of countries or societies (and, for that matter, of persons) cannot be plausibly measured

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or determined. The term is partly understood in a way that postulates a clear boundary for integration, i.e. a fixed and determinable number of persons a state can integrate. Such a boundary cannot exist for analytical reasons alone because integration depends on a number of factors and must be shaped proactively. Changes in the scope and structure of the population indeed play an important role here, but the economic and socio-dynamic adaptation associated with the changes are also crucial. We can therefore observe countries all over the world where the proportions of immigrants in the population are higher than in Germany, but which nevertheless successfully organise the integration processes. On the other hand, there are countries with a lower proportion of migrants in their population but which still face greater problems regarding economic and social integration as well as cohesion in society. In addition, it can be more difficult to adapt structures and processes to a shrinking population than to a growing one. Therefore, instead of abstract notions of “integration potential”, the Expert Commission decided to focus on the question of how to shape integration processes in such a manner that a successful economic and social outcome is achieved and social cohesion is strengthened.

In the Commission’s view, the social and political discussion that needs to be initiated in Germany must focus on a new and broader understanding of integration. Such an understanding considers society as a whole and places integration in a context that goes beyond the activity of migration itself. The following report shall offer a basis for discussion for this understanding, along with specific suggestions on what structural prerequisites are necessary to guarantee successful and comprehensive integration – in short to make Germany structurally fit for the future as a country of immigration.

Integration is a reciprocal and long-term process comprising many different aspects of life and many different political levels. It thus inevitably also touches upon resource issues and the competitive situation or the prioritisation and distribution of public services. It does not in any way affect only those who have come to Germany recently or have been here for some time (or their descendants), but instead all the people living here. This also means: Integration exists independently of migration. The responsibility and accountability for integration must also be extended to all participants and all people who have been living in Germany for a long time and legally – to consider this country as their homeland and stand up for its well-being. Integration means participation and compassion – for society as a whole. Integration should not just be “allowed” but also pursued and actively promoted. It is the function of government policy to create the framework conditions for this and to respond to any trepidation with a

well-balanced, fact-based discourse, and also with suitable measures where required. It is the function of all social stakeholders to contribute to an objective discussion and prevent polarisation. These ideas are all the more applicable at the moment in view of the COVID-19 pandemic.

The pandemic is affecting all those living in Germany, and in many spheres of life as well. Immigrants and their descendants are particularly affected in many ways. This is true first of all with regard to health. For example, new immigrants frequently have language problems and do not know the healthcare system well enough. In addition, they often have cramped living situations, which makes it difficult to maintain hygiene and comply with social distancing rules, and this increases the risk of infection. Moreover, immigrants are frequently employed in jobs where physical distancing is difficult. Therefore, initial figures from other countries do not just indicate higher cases of affliction, but also a higher mortality rate.

A heavily disproportional increase in unemployment among migrants in the German labour market could already be observed at the editorial deadline for this report. In the field of education as well, the new normal may result in specific challenges for children, who rarely have contact with the German language apart from daycare centres and schools. Thus, the pandemic threatens much of the progress that has been achieved in terms of integration over the past few years. In general, there is a risk for migrants as well as non-migrants that existing social inequalities will increase further; the same applies to the polarisation of public opinion. Thus, the measures proposed in this report, which are designed to enhance cohesion in society, have special significance in view of the pandemic.

The terms we use in this context are also crucial because terms shape the perception of social events, the course of discussions and the corresponding attitudes that either include or exclude people. For example, if one juxtaposes “second generation migrants” and “natives”, one integration goal – being “at home” here – is already ruled out just by the use of these terms. Even the frequently encountered blanket designation of asylum seekers as refugees leads to misunderstandings and a lack of acceptance. The following box explains the key terms as they are used in this report.

## Explanation of the terms used in the report

People who themselves or whose ancestors were born abroad are often referred to as **persons with a migration background** in Germany. This term is increasingly being criticised, and the concept as a whole also has many weaknesses. The Expert Commission advises against continuing the use of this term. Therefore, “migration background” still appears in the report only in places where data and research findings have been cited on this basis, and as part of analyses of the previous concept (primarily Chapter 5.8).

Instead, the Expert Commission mostly speaks of **immigrants and their (direct) descendants** and proposes a relevant modified statistical approach in order to also emphasise that it is the personal or the parents’ migration experience that affects integration, rather than the matter of nationality. Even if the term “immigrant” implies a type of permanency, it does not mean that each person coming from a foreign country will or may permanently settle in Germany. The Expert Commission prefers the term **immigrants** rather than **migrants** because the term immigrants essentially relates to processes of permanent integration and participation. People who are born abroad and presently live in Germany are referred to as **migrants**, irrespective of their nationality, reason for migration and the duration of their stay.

Just like **the rest of population**, immigrants and their direct descendants are a part of our society, which is modern and differentiated, and where “majorities” are still difficult to identify. Therefore, the Expert Commission avoids the term **mainstream society**. The term of **host society** is also problematic because it is often understood in public discussions as if it consists of only the persons whose parents and grandparents were already born in Germany. Immigrants already living in the country, and their descendants, are also part of the host society here. The report therefore avoids these terms as much as possible, and where applicable it explicitly mentions whether it is referring to a group of people who themselves or whose parents are not immigrants, in contrast to immigrants and their descendants.

It is also necessary to be sensitive in dealing with terms in the context of racist incidents. Since the persons concerned have frequently been living in Germany for years, or were born here, and are even German citizens in some cases, the Expert Commission avoids the terms **xenophobia** or **hostility to foreigners** and replaces them with the term **racism**.

In the context of **forced migration**, there are a range of different groups, including those applying for asylum, refugees according to the Geneva Refugee Convention, recognised refugees according to Section 16a of the German Constitution, people granted subsidiary protection, persons with prohibition of deportation and tolerated people whose application for asylum was rejected (cf. Chapter 2.3, 4.9 and 5.2). The term **refugees** has been used as a collective term for these groups in many publications and public discussions. However, it is rather tricky to use it in this blanket form because the term already normatively anticipates what should only be determined in the asylum procedure (the legal status as refugee), and can thus lead to misunderstandings.

The same problem applies to the term **refugees**, which has increasingly established itself as a collective term in the German public since 2015 and which is supposed to emphasise the character of the arrival process via the asylum system. This report therefore uses the collective term **protection seekers** as a rule, provided it refers to persons applying for asylum as well as persons with and without a right to protection that is recognised in the asylum procedure. The term protection seekers thus does not anticipate the outcome of the asylum procedure and also covers persons obliged to leave – i.e. whose asylum application was indeed rejected, but for whom the obligation cannot be presently enforced. This group is also referred to as **tolerated persons** in many contexts.

In general, it is not as if the Expert Commission has started its work from scratch. The Federal Government Commissioner for Migration, Refugees and Integration has been publishing a regular “Status Report” since the first half of the 1990s.<sup>2</sup> Moreover, numerous other formats with reports on the issues of migration and integration have since been established. A “National Integration Plan” was first published in 2007; the first “National Plan of Action for Integration” was presented in 2012 and has been further developed since 2018 under the direction of the Commissioner.

The report of the Independent Commission “Migration”, which was chaired by Rita Süßmuth, was released in 2001. The migration and integration landscape in Germany has been revolutionised since then. After the Independent Commission report was published, the federal government began to pursue its integration policy systematically, step-by-step from the mid-2000s; this had never happened before. In 2005, integration was determined as a function under federal law with the Residence Act, which was

2 Cf. Geiß 2001 for the historical development of the office, which is also reflected in the changing names.



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accompanied by corresponding measures, in particular integration courses that were implemented across the nation. Recognition of educational and professional qualifications acquired abroad was simplified in 2012. Owing to the heavy forced migration in the years 2015 and 2016, integration programmes in Germany were once again considerably upgraded. Hence, the policy responds not only to demographic developments but also to the dynamics of the immigration society; Chapter 2 of this report is particularly dedicated to this policy.

From a former niche topic, which mostly dominated political, public and media discourses only on certain occasions, and then for only a short time, integration has now developed into its own permanently present field of politics, which is also politically cross-sectional in character. It is a welcome change in the Expert Commission's opinion, and integration must continue to be given stronger consideration structurally and administratively. Integration is a multi-faceted process that takes place on many levels, and it is also a process in which all participants must respond to changes time and again. It should actually be no surprise to us that things do not always go smoothly here, but are instead often accompanied by conflicts. Against this backdrop, Chapter 3 analyses the dominant areas of conflict and points out the possible starting points for dealing with them constructively.

As was already mentioned, the Expert Commission is of the opinion that it would be incorrect or unwise to associate "integration" with migrants only, even if they are an important target group and also a player in the integration process. Since they form a significant and growing part of the population, their situation critically influences the overall social situation and thus relates to the need for political as well as social action. Chapter 4, which deals with the central fields of action for integration, examines this situation at the moment in the fields of language and education, work, social, cultural and legal participation, (anti-)discrimination, healthcare, housing and urban development, among other things.

The concluding Chapter 5 then discusses guidelines and ideas for a new understanding of integration. Based on the values of our Constitution, we explain there what integration and a more inclusive and overt understanding of "being German" could mean, not in the sense of the formal nationality but in the sense of social belonging, against the background of Germany's new status as a country of immigration. It will become clear that integration must be conceived more strongly than before as a task for the entire society and that a path must be paved for everyone in Germany, especially immigrants and their descendants, to feel a sense of belonging (even to multiple societies) with

regard to the question of identity. It shall also be clear that integration is an ongoing interactive process that must be constantly shaped in an open society.

Many policy recommendations in this report are oriented towards the state and the responsible players in policy and administration. This does not mean that integration is first and foremost a task for the state. Integration continuously occurs in business sectors, in clubs and associations and in all areas of society, usually without state intervention, and frequently unnoticed by the major debates in the public realm. In the Expert Commission's view, this is a good thing. This report therefore repeatedly refers to the fundamental importance of the commitment of all participants in civil society. However, there are many areas where policies can support and influence integration. The same applies to the management of migration by the legal system, the government, and administrative authorities. Because the report was commissioned by the federal government and thus also essentially addresses policy makers and administrators at various levels, the Expert Commission has given special attention to the policy area relevant for integration. As stated before, this does not mean that integration is essentially the responsibility of the state – on the contrary, it is a joint task for everyone in society.

A glimpse into the past reveals much progress, but also some setbacks. This shall be the case in future as well. The advances of the past 20 years include the fact that large segments of the population in Germany have accepted migration as normal and that integration is welcomed and actively promoted, instead of people focusing solely on the negative aspects that migration flows and coexistence in a constantly diversifying society also entail. At the same time, there have been further alarming developments with respect to exclusion and racism, up to and including violence and politically and religiously motivated terrorism, all of which endanger integration and cohesion in society and therefore must be fought with all the means at our disposal. In our view, future advances must include the point that migration is understood by many as a factor that changes the nature of coexistence in our country. The objective of policy and society should be to constructively manage the transformation processes and the conflicts that arise in these processes.

The Expert Commission was also not in full agreement on all points in the course of its deliberations. The experts brought varying perspectives and professional backgrounds to the discussion. In addition, the issue is multi-layered and complex and the state of research is often inadequate. To some extent, the available findings are also interpreted and weighed differently by the members of the Expert Commission. Even though all the sections were

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discussed in detail, each statement and each recommendation in the report does not reflect the opinion of all 25 Commission members. Quite a few assessments remained controversial and were only supported by a small majority. Thus, the recommendations in many areas emphasise the state's programmes more than civic activities and the personal initiative of the persons concerned. This does not necessarily reflect a political positioning of the Commission to that effect. In addition to the report being directed towards state addressees, as was already mentioned above, it also reflects to some extent the evidence regarding effective mechanisms to change the structurally conditioned challenges. It would also be worth discussing to what extent measures to promote integration, which are in themselves indisputable, should be limited in time or scope.

The articles in this report vary in length, which is partly due to the fact that several articles are combined within individual chapters.<sup>3</sup> The Commission expressly points out that how long or short an article is cannot be conclusive of the relative or absolute importance of the topic addressed in it. For instance, the chapter on health is relatively short. This in no way means that the Commission members consider health to be of lesser importance than the other areas addressed. The Commission endeavoured to consider opposing positions and the frequently heterogeneous state of the literature, especially regarding controversial topics; this then resulted in the respective longer chapters.

Despite different views on individual points, the members of the Expert Commission jointly support the report in its present form. They shall continue to engage in dialogue with each other and hope that this will also be the case for our society. This report and the recommendations contained in it are intended to contribute towards such a dialogue.

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<sup>3</sup> For example, in Chapter 3.4, the topics of racism, antiziganism, Islamophobia, antisemitism, right-wing populism, right-wing extremism, right-wing terrorism and hate crime are bundled together.

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## 2 Dynamics of the immigration society

### 2.1 Introduction

Since the end of the Second World War, Germany has developed into one of the most important immigrant countries, not just in the European Union (EU) and the Organisation for Economic Co-operation and Development (OECD), but also globally. Germany is the second most frequent destination for international migrants after the USA. The number of migrants in Germany (defined as the population born abroad) increased from 8.9 million in 2000 to 13.1 million in 2019 (IOM 2019, p. 25). Germany's population is in fact increasing only as a result of high net immigration. Immigration has accelerated once again since the beginning of the last decade. This is primarily due to the redirection of migration flows within the EU; additionally, however, migration from third countries has also increased, and a very large number of protection seekers have been arriving since 2015. There is much to indicate that these trends will continue in the coming decades – also as a result of disparities in the demographic transformation.

The increasing level of immigration offers many opportunities for Germany. For example, it rejuvenates the population and increases diversity in society, which in turn increases the chances for growth and prosperity. However, migration was and still is associated with a number of risks and problems: As a part of the policy of foreign-worker recruitment, many manual workers were recruited whose families remain unemployed at an above-average rate to this day. Those who work also earn little and are affected by other economic and social problems. Since the beginning of the millennium, the average qualification level of newly arrived migrants has increased significantly; however, the educational level and socio-economic status of this group indicate ongoing polarisation. Ultimately, the management of forced migration is also a great challenge because a distinction must be made here between persons with and without a need for protection. In this respect, immigration offers more than just opportunities. It also carries a considerable risk of increasing economic and

social inequality. This does not just involve structural disadvantages for the immigrant groups but also disadvantages for people who are confronted with changes in their living environment due to extensive immigration. These people have little faith that the country's political parties will publicly address and mitigate the risks they face. Their worries and fears must also be taken into consideration so that the essential solidarity within the immigration society can be maintained – i.e. between various groups, irrespective of their national and ethnic origin.

Migration and integration policies in Germany have responded to these changes, albeit often with a time lag and not in a comprehensive manner: The recruitment ban policy of 1973 was replaced in the past two decades by a step-by-step opening of the labour markets, and with the eastward expansion of EU, the principle of free movement of people was extended to an internal market of approximately 510 million people at that time. As a result of Brexit, however, this number has been reduced again to a good 460 million people. Step by step since the turn of the century, policy makers have also recognised that Germany is in fact a country of immigration and have supported integration through numerous measures in various areas, such as language support, education policy and labour market policy. However, in order to meet the challenge posed by high, possibly growing and increasingly diverse immigration in this century, migration and integration policy will still have to develop considerably at all levels. Long-term and comprehensive concepts are particularly necessary here – not ad hoc solutions.

This chapter presents the most important developments in the field of migration and integration in Germany, as well as the related policies from the past decade. It also includes an analysis of possible future trends. This is intended to provide a basis for discussing in the subsequent chapters of this report how the framework conditions for integration in Germany can be further improved. According to the view of the Expert Commission, integra-

tion and participation opportunities for immigrants are significantly determined by the structure and conditions of migration to Germany. In this respect, migration policy and integration policy must be considered here together, although there can be strained relationships and conflicting goals between policy makers in the two fields (cf. Chapter 3.9). In addition, the focus of this report is integration as viewed by the Commission.

As a starting point for the analysis in this chapter, the most important lines of development from the end of the Second World War to recent times are described in a historical perspective (Chapter 2.2). First of all, the most important migration and integration policy decisions and the quantitative development of migration are presented, as well as the most important effects on integration that resulted from these for different groups of immigrants. The focus here is on West Germany and all of Germany (from 1990); but apart from that, developments in the German Democratic Republic (GDR) and at the European level are also outlined. Forced migration or migration for asylum are separately analysed in Chapter 2.3. This aspect plays a special role in Germany with its constitutionally protected right to asylum. It has also been the subject of controversial debate since the increase in such migration began in 2015. Chapter 2.4 examines the effects of migration on demographic structures in Germany and analyses the most important socio-economic developments. Chapter 2.5 then takes a look into the future: It discusses the basic global, European, national and regional trends that could change the scope and structure of migration, and with it the framework conditions for integration in Germany in future. The conclusions are presented in Chapter 2.6.

## 2.2 Historical development of migration, integration and related policy areas in Germany

### 2.2.1 Development since the Second World War

In absolute terms, Germany has developed since the Second World War into the country with the second highest immigration rate in the OECD (after the USA). Immigration in Germany is higher than average even in relation to the country's population (UN Population Division 2019a). This is not just due to Germany's economic appeal, but also, to a greater extent than in many other OECD countries, to various political and historical upheavals. These include the expulsions after the Second World War, the fall of the Iron Curtain and forced migration in the wake of the wars in the former Yugoslavia or, more recently, in the Middle East, Afghanistan and the Horn of Africa.

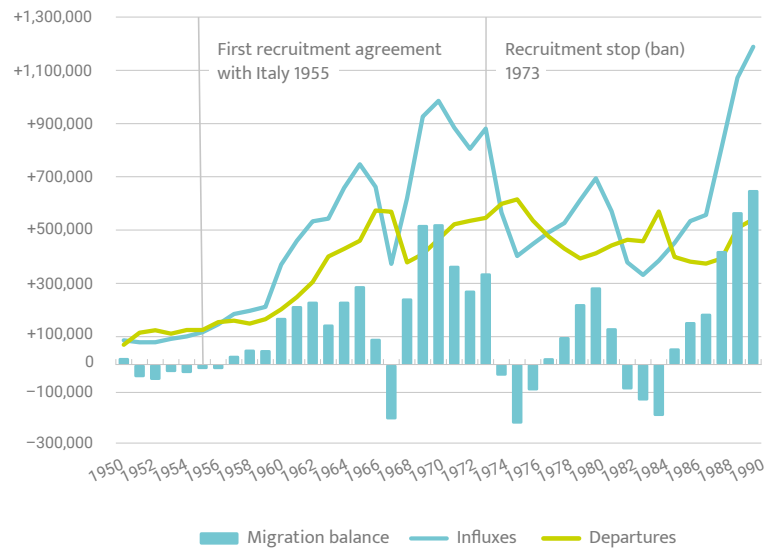
### *Historical development up to the construction of the Berlin Wall*

From the 17th to the 19th century, Germany, or rather the individual German states, were among the most important regions in terms of emigration in Europe: Initially, many people emigrated to Russia and Southeast Europe, then to the USA (from the middle of the 18th century). At the same time, there were always phases of heavier immigration, such as those of the Huguenots to Prussia and other parts of Germany. From the late 19th century onwards, industrialisation drew workers, particularly from Poland, to the newly emerging industrial regions in Germany.

National Socialist (Nazi) Germany forced parts of society to emigrate and also forced workers into the country in large numbers. Thus, during and after the Second World War, Germany became a "hub of enormous transnational and internal migration", with around 40 million people who had fled former Germany territories, had been expelled from former Germany territories, were prisoners of war, or had become stateless persons (Bade 2000, p. 299). Three major migration flows characterised this development: first, the flight from the Red Army at the end of the war; second, the flight and expulsion from the former eastern regions of the German Empire and Czechoslovakia after the war ended; and the third, the politically and economically motivated flight from the Soviet occupation zones and later the escape from the GDR to West Germany, which came to a halt only after the Berlin Wall was built on 13 August 1961. These migration flows went well beyond what we have seen in recent years. The number of people expelled from the former eastern regions of the German Empire and who then settled in the two German states alone has been estimated at 12 million for 1950 by the Federal Statistical Office (cf. Faulenbach 2002).

The integration of expellees and persons who migrated from what are now the new federal states into the labour market, education system and all other social areas can be considered a success from today's perspective (cf. Bauerkämper 2007; Heidemeyer 2007). These groups contributed significantly to West Germany's "economic miracle". They benefited in part from the integration measures that were not available to foreign nationals up to the year 2005 – i.e. primarily the "foreign workers". However, they also brought along quite different prerequisites due to the common language and similar educational systems. Migration and the associated loss of workers, especially highly qualified workers, in turn contributed to economic and political destabilisation in the GDR. This was one of the main reasons for the Berlin Wall and the Iron Curtain in the countries of the former Eastern bloc.

Fig. 1: Migrations across the borders of the Federal Republic of Germany, 1950–1990



Source: DESTATIS 2019b, own illustration.

### Recruitment of “foreign workers” and the recruitment ban

The Federal Republic of Germany reached full employment from the middle of 1950s, after which labour shortages started to occur in many industries. Like other Western European countries, Germany then began to recruit workers from abroad in a targeted way – especially for the manufacturing industries (cf. Bade 2000, p. 335; Herbert 2001, p. 212 and 226f.; Luft 2010a, p. 8; Oltmer 2012a, p. 110 et seq.). The recruitment focused on Italy, Turkey, Yugoslavia and Greece, and also on Spain and Portugal to a lesser extent. At the time of recruitment ban in 1973, workers from Turkey formed the largest immigrant group in the Federal Republic, accounting for one-third of the foreign population, followed by Yugoslavia and Italy. A total of approximately 120 bilateral labour recruitment agreements were concluded in Europe; these became the central instruments of migration policy during the first three post-war decades (cf. Oltmer 2012b, p. 12; Berlinghoff 2012).

In these “foreign-worker agreements”, the German government and the countries of origin assumed that the workers would remain in Germany only for a limited period of time and then return. However, the original residency

restriction and rotation system were gradually abandoned, not in the least because German employers did not have any interest in training new workers again and again. The recruited workers were first fully employed, but were then laid off more often than expected owing to the recession of 1966–67 and the first oil price shock in 1973. As a result, return migration increased; in the years 1968 and 1974 and then up to 1976, migration balances were even negative (Fig. 1). Moreover, structural change particularly affected those industries and fields of activity in which extraordinarily large numbers of migrants were employed.

After the recruitment ban, the migration balance in the Federal Republic decreased in comparison to the 1960s and early 1970s. However, even then, the population from the home countries of the foreign workers in Germany continued to increase: Between 1961 and 1975, the resident foreign population in West Germany surged by 3.2 million to 3.9 million people, and then rose once again from 1975 to 1985 by 1.1 million. Thus, in 1989, at the time of the fall of the Berlin Wall, it amounted to approximately 5 million people (DESTATIS 2019c).<sup>4</sup> Among the 3.4 million foreign nationals who entered the Federal Republic between 1973 and 1980, the vast majority (3.1 million) were family members of foreigners already living in Germany

4 There was still no data available on the “Population with a migration background” at this point in time (cf. Chapter 5.8). It also includes people of German nationality who have a migration experience of their own or in their family.

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(Lederer 1997, p. 211. Protection seekers were added, especially in later years, after the military coup in Turkey in 1980, for example.

The “foreign worker recruitment” policy and the recruitment ban later on had three main consequences that have shaped the social and economic structure of (migrant)populations over the long-term, and in part up to the present day as well: Firstly, companies, particularly in the manufacturing industries, recruited manual workers who would predominantly perform lower-skilled jobs. Accordingly, these were frequently persons from rural and economically underdeveloped regions of the countries of origin, where the educational institutions were generally also poorly developed. However, even the industries and jobs that were the focus of recruitment were quite heavily impacted from the 1970s on by economic crises, as well as rationalisation and structural change in West Germany. In addition, foreign workers were deliberately allocated to certain regions, partly through a requirement they remain in certain locations (residence obligation). This further exacerbated the rising unemployment and economic and social problems of these groups.

Secondly, these socio-structural problems were reinforced by the recruitment ban because the prospering areas of the labour market remained closed to new immigrants. Apart from that, the opportunities to enter West Germany were mostly restricted to family reunifications and the path of application for asylum. Consequently, the qualification structure of the new immigrants, and with it their opportunities for participation in the labour market, continued to deteriorate. As a result, the qualification structure as well as the employment rates of the foreign population in Germany fell considerably below the OECD average.

Thirdly, the very concept of “foreign worker recruitment” implied from the beginning that the workers who arrived, and their family members, would return to their home countries after a certain period (see above). Accordingly, it was assumed that comprehensive integration of the migrants and a corresponding (active) policy could be dispensed with (cf. for development of the integration policy Bendel/Borkowski 2016, pp. 99–116). In the 1970s, the federal government therefore formulated the two goals of integrating foreign workers into the labour market and at the same time lowering the proportion of foreigners in its “Principles for Integration of Foreign Employees”. More far-reaching approaches such as targeted language and ed-

ucation promotion were largely dispensed with. Although some of the people who moved to Germany in the course of the “foreign worker recruitment” actually returned to their home countries, the population from these countries and the average length of stay in Germany increased continuously.

The interaction of these three factors – the targeted recruitment of manual labour in industries that had been hit particularly hard by structural change, the recruitment ban that largely precluded recruiting foreign workers for the prospering industries, and the rejection of an active integration policy – contributed significantly to the social and economic problems that the population living in Germany from the countries of “foreign worker recruitment” and their descendants still face today. The resulting pressure to act prompted the then Social Democratic/Liberal (SPD-FDP = Free Democratic Party) federal government coalition under Chancellor Helmut Schmidt to appoint a Federal Government Commissioner for Foreigners’ Affairs in 1978. A memorandum published in the following year (Kühn 1979), which was named after the first office holder, Heinz Kühn, recognised Germany as a destination for migration and called for better integration measures to facilitate access to education and work for the immigrants. The suggestions contained in it were quite far-reaching for that time. However, the administration in power at the time did not share the views of the memorandum. The Federal Ministries of Labour and Education and Science submitted their own, less ambitious proposals – less ambitious because politicians were concerned about the opinion of the population, which was critical or dismissive of migration and often of the immigrants themselves (Berlinghoff 2015, p. 931; Schönwälder 2001, p. 499 et seq.). In addition, the federal government and the states had already stipulated the phrasing that “Germany is not a country of immigration” in 1977 in the jointly agreed naturalisation guidelines,<sup>5</sup> which would shape German migration and integration policy for many years.

#### ***Development under the Christian/Liberal (CDU/CSU-FDP) federal government in the 1980s***

The Christian-Liberal coalition that came to power in 1982 under Chancellor Helmut Kohl took up the statement “Germany is not a country of immigration” in its coalition agreement 1982, p. 6) and subsequently intensely tried to limit the influx and promote return. However, the measures to promote return showed little impact, even

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5 Naturalisation guidelines from 15 December 1977 (Joint Ministerial Gazette (GMBI) 1978, p. 16), no. 2.3.

when the migration balance was negative in the first half of the 1980s (cf. Fig. 1).<sup>6</sup> At the same time, the federal government attempted to more effectively integrate immigrants with longer-term residence permits into the labour market by providing information on the labour market and implementing initial language instruction measures. However, the idea of a comprehensive integration policy was rejected. At the same time, it could be observed that the gap between German and foreign nationals in terms of labour market participation was growing wider. Thus, unemployment among the foreign population, which then still consisted almost exclusively of nationals from the recruitment countries of “foreign worker migration”, was approximately three times higher than that of the German population at the end of the 1980s. The integration policy of this decade was therefore viewed critically by many observers (cf. Bade 1992, p. 51).

### ***Migration in the German Democratic Republic***

Until the Berlin Wall was built in 1961, development in the GDR was shaped by the fact that many (mostly qualified) workers migrated to West Germany. Approximately 2.7 million people had left the country by the time the Wall was built; after that, migration within Germany practically came to a halt. The economy in the GDR was marked by a chronic shortage of workers, similar to the planned economies in other countries of the Warsaw Pact (apart from lower growth in productivity).<sup>7</sup> Accordingly, the GDR also tried to recruit workers from abroad, albeit to a much lesser extent than in West Germany. There were stricter boundaries set for the workers for political as well as economic reasons. Migration was seen in the GDR much more as a political instrument than an economic instrument, as was the case in the Federal Republic (Weiss 2009, p. 132). Owing to this, almost only those people who came from “socialist countries” or could be attributed to socialist movements in other countries were let into the country (e.g. people who fled from Chile after the 1973 military coup). The immigrants can essentially be divided into three groups: Students, trainees, so-called contract workers as well as (in small numbers) political refugees, who in addition to the already mentioned Chile came from Nicaragua, Greece and Spain, as well as some other countries.

According to Weiss (2009, p. 132), approximately 42,000 foreigners had studied in the GDR and 29,000 had completed training there up until 1988/89. In terms of numbers, however, labour migration within the framework of state treaties with Vietnam, Cuba, Algeria, Angola and

Mozambique was particularly significant, reaching a relatively high level from the beginning of the 1980s (Bade/Oltmer 2007, p. 162; Weiss 2009, p. 133). As was the case in the Federal Republic, a labour shortage was an essential driving force of these intergovernmental agreements, and the foreign workers were also predominantly employed in physically demanding jobs in industrial production, often in shift work. At the end of 1989, there were over 90,000 of the so-called contract employees still living in the GDR, whereby most of these workers were from Vietnam (59,000), Mozambique (15,100) and Cuba (8,300). The total number of foreigners was approximately 190,000 when the GDR ceased to exist; however, many left the country later on.

In its policy on foreigners, the GDR counted on a strict rotation principle and extensive social isolation of the “foreign workers”, for whom many restrictions applied (Bade/Oltmer 2007, p. 161f.). Thus, such workers were mostly accommodated in shared accommodations, were bound to the company they worked for and had severely restricted rights with regard to dismissal. In addition, part of their earnings went to the governments of the countries of origin. A longer stay for these people was not intended as a rule, and there was therefore also no public discussion whatsoever about integration. Racist incidents were hushed up because they contradicted the image of the “developed socialist society” (Elsner/Elsner 1994; Plamper 2019). Due to this policy and the extensive lack of personal contact, people in GDR predominantly viewed migration negatively: “So, the majority of the population remained in the dark about the reasons for migration, just like the regulations and details of the state treaties [...] This ignorance about even the basic facts led to a perception of migration as an imposition, as exploitation of the successes of the GDR economy, as an unwelcome and disliked social benefit for others. The labour migration was accompanied by feelings of competition, rejection, and lack of understanding” (Weiss 2009, p. 133).

### ***Development after the revolutions in Eastern Europe and the fall of Berlin Wall***

With the political revolutions in Central and East Europe and the fall of the Berlin Wall in 1989, the conditions for migration to and within Germany also changed radically. After the fall of the Wall, migration primarily consisted of four groups:

- (1) Migration flows within Germany from East to West Germany and even in reverse direction to a lesser extent

6 In a parliamentary session in 1984, it was stated that the number of migrants including their family members who returned on the basis of the “Act for promoting the willingness of foreigners to return home” was 300,000 (see <http://dipbt.bundestag.de/doc/btd/10/020/1002071.pdf>, p. 3 [10.08.2020]).

7 For the analysis of this chronic shortage in the planned economies, and especially the shortage of workers, cf. Kornai 1980.

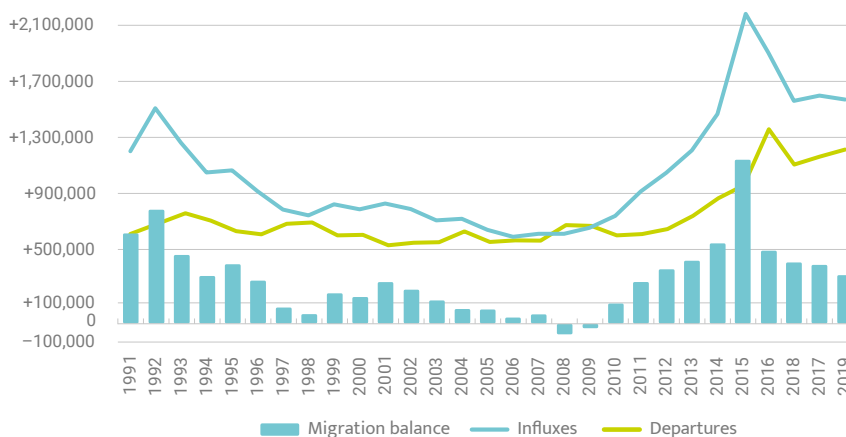
- (2) The influx of ethnic German re-settlers<sup>8</sup> as well as Jewish refugees (subject to quotas) from the former Soviet Union Other “re-settler countries” such as Poland and Romania played only a very small role in quantitative terms from the 1990s onwards (cf. Worbs et al 2013);
- (3) Asylum seekers who came to Germany in the 1990s from the former Yugoslavia and its successor states after the outbreak of the war and the violent conflicts there, and also to a considerable extent asylum seekers from Eastern Europe (especially Romania), Turkey and the Middle East
- (4) Labour migration, especially from the member states of the EU in Eastern and Central Europe.

In total, the positive migration balance in Germany from 1989 to 2000 amounted to approximately 4.6 million people; more than half of this number were ethnic German re-settlers. This was the largest immigration wave within one decade since the establishment of the Federal Republic. It was surpassed only by the great migration flows after the end of the Second World War before the establishment of the two German states.

The Christian-Liberal coalition that remained in power until 1998 basically responded to these developments (frequently in line with an understanding with the SPD opposition), with three measures:

First, Germany continued to remain open for the influx of ethnic German re-settlers and Jewish refugee contingents even under the new conditions. This led to considerable immigration, even though at the same time the newly formulated Federal Expellees Act placed a geographical focus on the successor states of the former Soviet Union and a cut-off date regulation ensured that this channel of immigration would gradually lose significance.<sup>9</sup> Approximately 2.5 million ethnic German re-settlers came to Germany between 1989 and 2000 and (from 1993) approximately 129,000 Jewish refugees also emigrated to Germany (cf. Worbs et al 2013; Federal Ministry of the Interior (BMI) / Federal Office for Migration and Refugees (BAMF) 2020). These groups were also given access to integration measures – for example education and language training and labour market programmes. They were (and more or less remain) centrally distributed after entry in line with the Königstein formula.<sup>10</sup> A temporary residency regulation additionally applied to the ethnic German re-settlers from 1989 to 2009 (the so-called Residence Allocation Act).

Fig. 2: Migrations across the borders of the Federal Republic of Germany, 1991–2019



Source: DESTATIS 2019b and GENESIS Online (data for 2019), own illustration.

8 The terms “ethnic German re-settlers” refers to people who came to Germany before 1 January 1993 based on the law for expellees and were referred to as re-settlers, and also ethnic German re-settlers who came after that. If statements clearly refer to a time before or after this date, one or the other designation is used in this report according to the statement.

9 Act for Settlement of Act Consequent upon War, dated 21 December 1992 (War consequences settlement act; Federal Law Gazette (BGBl.) 1992 I 2094).

10 The Königstein formula is a weighted distribution based on the tax revenue and population of the municipalities (normally the federal states). The formula is also applied for those applying for asylum; cf. Chapters 2.3 and 4.9.1. for it.



Secondly, the European Council established the prerequisites for the eastward expansion of the EU at a summit meeting in Copenhagen in 1993. Subsequently, association treaties under international law were concluded with the candidate countries, which simplified job mobility for their nationals before they actually joined the EU. Owing to the accession treaties, the freedom of movement for workers and other people from these countries was also extended in the years 2004, 2007 and 2011. The common internal market was thus expanded by approximately 105 million people. However, it was agreed that the member states could stipulate transition periods of up to seven years for the freedom of movement for workers. This option was exploited by Germany for all new member states, with the exception of Croatia. It was only after the transition periods ended (1 May 2011 for the eight states from the first expansion round, 1 January 2014 for Romania and Bulgaria and 1 July 2015 for Croatia) that the effect of these decisions became clear in that migration from the new member states increased significantly. This increase was in part driven by the economic recovery in Germany after the end of the financial crisis (cf. Chapter 2.2.2).

Thirdly, in 1993 the governing coalition restricted the constitutional right to asylum in accordance with Article 16a of the Constitution (“Politically persecuted persons are entitled to the right to asylum”). This was done with the support of the SPD opposition and was criticised by the other opposition parties – the Alliance 90/Green party and the former ruling party in the GDR (SED, whose name had been changed to PDS – Party of Democratic Socialism). This decision, which came to be known as the “asylum compromise”, was highly controversial socially, politically, and legally. It was made in response to a situation marked by a rising number of asylum applications and long durations for proceedings – with high costs for the municipalities<sup>11</sup> and low rates of approval for the asylum seekers.<sup>12</sup> The following measures were essentially relaunched with the asylum compromise:

- ▶ **The principle of safe third countries:** According to this principle, a person who enters Germany from another EU member state or another safe third country cannot invoke the constitutional right to asylum under Article 16a of the Constitution because this person could have applied for asylum in the other state or country.

- ▶ **The Dublin Convention (after 1999: Dublin Regulation)** signed in 1990 and which came into force in 1997 at the EU level: According to this provision, the contracting state responsible for examining the contents of an asylum application is, in principle, the Contracting State to which the applicant first entered, unless family members already enjoy refugee protection in other countries or another Contracting State has granted the person concerned a residence permit or visa or he or she has resided in another Contracting State for at least six months. The Dublin Convention under international law has since been replaced by an immediately applicable EU regulation, which now overlaps the German third country regulation. The same has no longer been applicable since then.

- ▶ **The principle of safe countries of origin:** This principle is based on the legal presumption that people are generally not at risk of persecution in states that have been determined to be safe countries of origin. Protection is granted here only if the applicant can prove that he/she is at the risk of persecution in deviation from the general presumption. The asylum procedure should be accelerated by the increased burden of proof.

- ▶ **The so-called airport proceedings:** This allows for an accelerated execution of the asylum procedures in the transit area for asylum seekers who come from safe countries of origin or cannot produce valid identification documents.

- ▶ **A separate legal status for civil war refugees.** This is designed to simplify the procedures for applications for political asylum.

- ▶ **Separation of the benefit rights for asylum seekers from the basic social security system (social welfare at that time) by the German Social Welfare Act for Asylum Seekers (AsylbLG).** This intensified the previously already common practice of asylum seekers receiving fewer/lower benefits – predominantly as payments in kind, even though the benefit rates were clearly increased in accordance with a ruling made in 2012 by the Federal Constitutional Court (cf. for AsylbLG Chapter 4.7.2.1).<sup>13</sup>

11 The municipalities and federal states on their parts exercised considerable political pressure; cf. Munich 1993. For the overall political background, see Wirsching 2006, p. 303–306.

12 The rates of approval were also low because there was no differentiation at that time between political asylum according to Article 16a of the Constitution and other rights to protection – for example those under the Geneva Refugee Convention, or the granting of subsidiary protection. Accordingly, for example, most of the asylum applications from civil war refugees from what was then Yugoslavia and its successor states were rejected because the applicants did not have a right to political asylum.

13 In its ruling of 18 July 2012, the Federal Constitutional Court judged these basic benefits as “evidently inadequate” and declared them unconstitutional. In the reasons for the ruling, the court invoked Article 1 paragraph 1 of the Constitution in conjunction with the Social State Principle in Article 20 paragraph 1 and stipulated a constitutional right to a guarantee of a minimum humane subsistence level; to which Germans and foreign nationals residing in Germany are equally entitled. Thereupon, the legislature amended the German Social Welfare Act for Asylum Seekers by aligning it with SGB II or SGB XII with reference to the benefit level (in principle).

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After this package of measures came into force as a part of the asylum compromise, the number of asylum applications in 1990s declined considerably and remained at a low level up to its lowest point in 2007 (19,164 asylum applications) (cf. Chapter 2.3 for recent forced migration).

### **Reforms of the nationality law and immigration and integration policy since 1998**

The first reforms in integration policy had already been made under the Christian-Liberal coalition. Thus, for example, a standard entitlement to naturalisation had been established with the 1990 Foreigners' Act, which was reinforced into a legal claim with the asylum compromise. The number of naturalised persons then increased noticeably (Thym 2018a). However, decisive reforms were not introduced until the SPD-Green (Red-Green) coalition came to power in 1998; the reforms were then pursued and consolidated by the governments that followed. Unlike its predecessors, the Red-Green government acknowledged in its coalition agreement dated 20 October 1998 that “an irreversible migration process” had occurred and declared that “the creation of a modern nationality law shall be at the centre of our integration policy” (SPD-Alliance 90/The Greens 1998, Clause IX.7). The new Nationality Act (StAG) of 1 January 2000 provided for two fundamental innovations: Firstly, the principle of descent (*ius sanguinis*), which had been solely valid until then, was supplemented by the principle of place of birth (*ius soli*) when acquiring German nationality. Since then, children born in Germany to foreign parents receive German nationality by birth if the parents fulfil certain conditions under residency law (Section 4 (3) StAG). In the case of multiple nationality, however, they must choose either foreign or German nationality upon reaching the age of 18. This so-called option obligation (Section 29 StAG, for more details see: Worbs 2014) however remained highly controversial politically, and since the end of 2014 has only applied if the person concerned “did not grow up in Germany”<sup>14</sup>. Secondly, the StAG facilitated naturalisation insofar as an entitlement to it now exists after eight years of legal residence, as well as upon fulfilment of further prerequisites (and, since 2008, additionally a naturalisation test).<sup>15</sup>

The second important reform of the Red-Green government was the passing of the act on the “Control and Limitation of Migration” (Migration Act), which came into force in 2005 and was amended by the Grand Coalition in 2007. For the first time since the recruitment ban, it made labour migration of third-country nationals possible again<sup>16</sup> (cf. Ette 2002 on the political background to the reform). The act was preceded by a broad discussion on the necessity of immigration in view of demographic change, including the appointment of the Independent Commission on Immigration (also known as the “Süssmuth Commission” after its chairperson). The Migration Act can be seen as a paradigm shift in immigration policy in that it claimed for the first time to comprehensively regulate migration to Germany. Thus, it opened up different ways of access for highly qualified and skilled workers to find work; possibilities of immigration for education and training purposes, and for family reunification, were regulated as well. Unlike the “guest worker recruitment”, the act was primarily intended to promote the immigration of qualified workers. It also aimed not at temporary but at permanent immigration and integration in Germany. However, in quantitative terms, the act had only a minor impact on the structure of migration: In the years 2005 to 2019, the intended residence permits for employment purposes accounted for only between 5 and 12 per cent of the influx of third-country nationals (cf. Chap. 2.2.2 on labour force migration below).

These reforms were accompanied by various measures in the field of integration policy. The most important among them was the establishment of integration courses throughout Germany, which occurred with the Migration Act (cf. Chapter 4.2.4). The integration courses consist of a language course and an orientation course. As a rule, they currently comprise 700 teaching units (UE), of which 600 are allotted to the language course and 100 to the orientation course. In addition to the integration courses, there are various counselling services offered by the federal government, including the Migration Counselling for Adult Immigrants (MBE) and the Youth Migration Services (JMD), which are supplemented by numerous services offered by the states and municipalities. The recognition of professional qualifications obtained abroad has been made easier in the labour market since 2012 with the “Act for improving the assessment and recognition of professional

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14 A person is deemed to have grown up in Germany under Section 29 paragraph 1a of StAG if he or she has habitually resided in Germany for eight years, attended school for six years or completed school or vocational training in Germany.

15 For more information on the effects of the reform on the naturalisation figures, and the births of children with German and foreign nationality in Germany, cf. BMI/BAMF 2020, chapters 8.2 and 8.4.

16 The term third-country nationals refers here to nationals from countries that are not entitled to freedom of movement, i.e. people who are not nationals of the EU, the European Economic Area (EEA) or Switzerland. The term is used inconsistently in the secondary law of the EU, sometimes even for all nationals who are not citizens of the European Union.

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qualifications acquired abroad” (Act on Recognition). However, the number of cases is still relatively low compared to the potential (cf. Chapter 4.3 on the labour market).

In its policy, the Federal Employment Agency (BA) indeed strictly follows the approach of promoting labour market integration and job placement irrespective of national origin and migration experience. However, it has also set up specific programmes, for example for the integration of protection seekers, and is also specifically trying to strengthen job placement from abroad. Similarly, in the field of education policy and in many other areas, it can be observed that integration programmes are being expanded by the states, municipalities, social partners, churches and other stakeholders in civil society. At the same time, the institutional boundary conditions for integration were changed. For example, the tasks of the former Federal Office for the Recognition of Foreign Refugees (BAFI) were expanded, which since 2005 (as the Federal Office for Migration and Refugees – BAMF) has also been assigned various integration tasks.

In addition to these instruments of integration policy, a dialogue in society as a whole on questions of integration and participation was established on a broader basis at various levels. Visible examples of this are the national integration summits, which have been convened since 2006 and in which migrant organisations are involved alongside the federal government, the states, the municipalities and other stakeholders in civil society. At the first integration summit in 2006, the federal government, states and municipalities committed themselves, among other things, to drawing up a National Action Plan on Integration. In the same year, the then Federal Minister of the Interior, Wolfgang Schäuble, convened the German Islam Conference (DIK) to promote dialogue with Muslims and the Islamic religious communities. Overall, the reforms of immigration and integration policy as well as the various attempts to initiate a dialogue on migration, integration and participation in society as a whole reflect a changed understanding of migration and integration. Unlike before 1998, all federal governments now no longer question immigration and policies aimed at long-term integration and participation.

#### ***Gradual communitisation of migration and integration policy in the EU.***

At the same time, the gradual communitisation of migration policy at the European level has changed the scope for national policies (cf. among others Bendel 2018a; Bendel/Ripoll Servent 2018; Hailbronner/Thym 2016a). For one thing, the *acquis communautaire* (entirety of the applicable EU law) and the case law of the European Court of

Justice are increasingly regulating the conditions for freedom of movement of employees and persons within the common internal market – for example access of citizens of the European Union to labour markets and welfare benefits. On the other hand, asylum law was strongly communitised with the Treaties of Amsterdam, Nice and Lisbon. In addition to the current Dublin Regulation, numerous other legal acts have been adopted for harmonisation, for example on asylum procedures and reception criteria (Thym 2016a). However, the member states continue to apply the standards very differently, for example in terms of the acceptance of asylum seekers, the asylum procedure and with it, ultimately, the approval of asylum applications or the acquisition of transfer benefits. Finally, various guidelines for labour force migration have also been adopted since 2009. These include the Directive for highly qualified people (2009/50/EC) and the “EU Blue Card” introduced as a result, the Directive for seasonal workers (2014/36/EU) and the so-called Procedures directive (2011/98/EU; Thym 2016a). However, while asylum and migration policy is fundamentally one of the most active fields of European Union legislation, integration policy remains largely in the domain of national sovereignty (cf. Bendel 2010).

#### **2.2.2 The current state of migration to Germany**

The development of migration to Germany since the beginning of the 2000s can be divided into two phases: The first phase, from the turn of the century until the end of the financial crisis in 2009, was characterised by declining migration figures and a historically low migration balance for the Federal Republic. In the period mentioned, this amounted to an average of 85,000 persons per year; the historical average was about 200,000 persons. The decisive factor was that unemployment in Germany during this period was above average compared to the rest of Europe, and economic growth was low. Nevertheless, there were already signs of a structural shift in migration at that time in the form of more people coming to Germany from other EU member states and an increase in the qualification level of the immigrants (cf. Chapter 2.4).

#### ***Immigration of EU nationals since the end of the financial crisis***

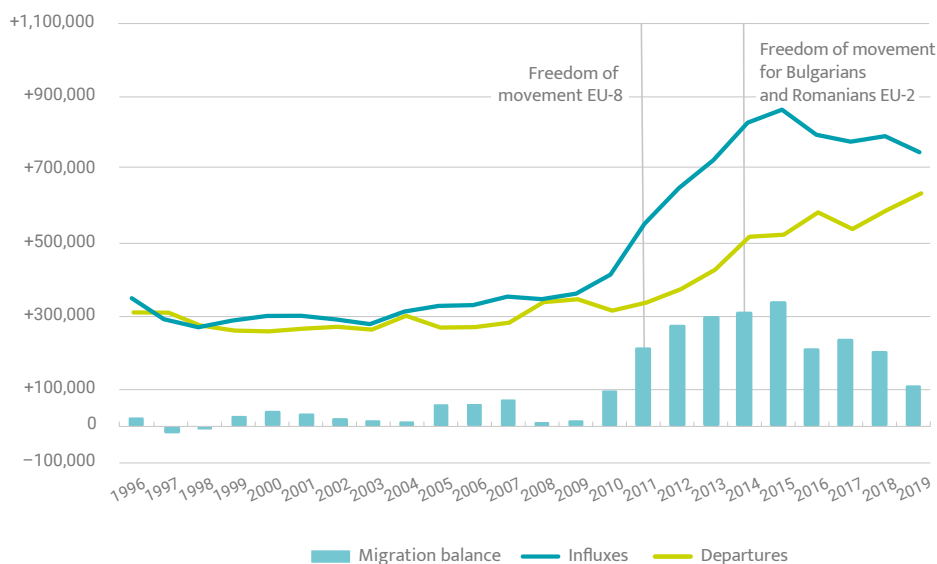
After the labour market reforms that came into force in 2005, economic growth increased in Germany and the labour market situation gradually improved. This also changed the framework conditions for migration in Europe: While Germany recovered from the financial crisis faster than other EU states, namely as early as 2010, Spain

and Italy, the two most important immigration countries in the EU before the financial crisis, still suffer from high unemployment and low growth today. Since the Brexit referendum in 2016, there has also been a net return from the UK of migrants from the new member states.

Parallel to this asymmetrical economic development in the EU, the transitional periods for the freedom of movement of employees ran out: on 1 May 2011 for countries of the first round of eastward expansion, on 1 January 2014 for Bulgaria and Romania and on 1 July 2015 for Croatia. All of this caused the immigration of EU citizens to Germany to increase significantly. This is mainly due to a redirection of migration from the new member states (cf. Bertoli et al. 2018): Before the crisis, the United Kingdom, Ireland, Spain and Italy had still been the most important destination countries for nationals of these states. Now they have been replaced by Germany, which has become by far the most important destination country for migration in the EU. People also migrated to Germany from the EU member states Greece, Italy and Spain, which were particularly hard hit by the crisis, but this was quantitatively far less significant.

Since EU citizens enjoy freedom of movement, no purpose of residence is recorded for them in the Central Register of Foreigners, unlike the case with third-country nationals. The predominant portion of immigrants from the EU is however in the employable age, i.e. between 15 and 64. In 2019, it was 90 per cent, and almost half were aged 18 to 35 (Graf 2020a, p. 8). This suggests that employment, as well as education, training and family-related motives, play an essential role in the influx. According to the micro-census taken in 2019, 46 per cent of the people who migrated from the EU-28 cited starting a family or family reunification as the main motive for migration, 31 per cent cited taking up a job and 3 per cent cited the purpose of studies or training or advanced training as the main motives (DESTATIS 2020b). EU internal migration has quantitatively determined migration processes in Germany in the past few years, even more than the much widely discussed forced migration – if measured by the number of asylum applications (cf. BMI/BAMF 2020 as well as Chapter 2.3). This is mainly due to the income differences between the old and the new EU member states.

Fig. 3: Influxes and departures of nationals of the EU-28 (without German nationality) to and from Germany, 1996–2019



Source: DESTATIS, Population and Employment; Subject Matter Series 1.2 Migrations, Wiesbaden, various years; GENESIS Online (data for 2019), own analysis and illustration.

### Immigration of third-country nationals: Overview

A good half (55 per cent) of net migration in Germany was accounted for by third-country nationals in the period from 2000 through 2018 (slightly less than 3 million people). Here, too, immigration took place predominantly in the years 2010 to 2018, with net migration for this period amounting to 2.4 million people. Unlike the case of migration from the EU, the purpose of residence for the migrant residents from third countries can be identified in the Central Register of Foreign Nationals. A considerable part of the immigration was accounted for by asylum seekers. In total, more than 2.5 million applications for asylum were filed from 2000 up to and including 2019 (BAMF 2020). This can be understood as an approximation of the actual influx of protection seekers from abroad; due to double counting, departures and re-entries and asylum applications for descendants of protection seekers born in Germany<sup>17</sup>, the actual figure is probably somewhat lower. Overall, forced migration accounts for a comparatively small share of the total influx to Germany, even though it is the focus of public discussion. If we take the asylum applications as a basis, which somewhat overestimates the actual influx of protection seekers as already mentioned, then the share of asylum applicants amounted to 13 per cent of the entire influx of foreigners into Germany in the period between 2000 and 2019.<sup>18</sup> The forced migration of recent years is dealt with in more detail in Chapter 2.3 because of its special significance.

### Family reunification

Aside from seeking asylum, family reunifications account for a second major block of immigration of third-country nationals. The corresponding regulations of the Residence Act only distinguish between immigration of Germans and immigration of third-country nationals; the right to freedom of movement applies to relatives of EU nationals. In principle, family reunification is limited to the so-called nuclear family, i.e. spouses or partners and shared minor children or, in the case of minor children, the parents. Other family members can follow only in exceptional cases. The regulation of family reunifications was much and controversially discussed in the 1980s with regard to the waiting periods in some federal states (cf. Hailbronner 1983 among others). Today, however, there is a broad consensus in Germany that a comprehensive migration policy also includes the reunification of members of the nuclear family. The most recent controversial issues were the requirement introduced in 2007, according to which spouses or partners must prove basic German language skills before entering Germany (cf. BMI/BAMF 2020), and in 2016 the restriction of family reunification to persons with subsidiary protection status (cf. Chap. 2.3 and 4.9.2).

Fig. 4: Influxes of third country nationals by purpose of residence and residence title, 2010–2019 (in 1,000 persons)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Employment</b>	30	37	39	34	37	39	51	61	61	64
<b>Education, training, language courses</b>	46	47	49	52	58	62	56	53	58	57
<b>Family-related reasons</b>	55	53	55	56	64	82	106	115	97	97
<b>Humanitarian reasons, residency granted, tolerated status</b>	120	43	48	104	192	419	216	118	107	96
<b>EU residency law, settlement permit</b>	120	10	11	12	15	18	18	19	21	22
<b>Other</b>	303	75	105	106	153	506	226	178	182	198

Source: BAMF, The Federal Office in Numbers, editions 2010-2019, illustration.

17 In 2018 and 2019, 20 and 22 per cent of asylum applications were for children under one year of age born in Germany (BAMF 2019a; 2020). The proportions were lower in earlier years.

18 Due to the different concepts for statistical recording of migration of asylum seekers and overall migration, this proportion should be understood as an approximation, not as an exact value.

Between 2006 and 2013, i.e. before the sharp rise in forced migration, the number of persons who received a residence permit for family reasons remained relatively constant at a maximum of 56,000 annually. As a result of the increase in persons with recognised protection status, the number of those who moved to Germany with a residence permit for family reasons also gradually increased, reaching a temporary peak of 115,000 persons in 2017. In 2018, it fell again to 97,000 persons (cf. Fig. 4 and BMI/BAMF 2020).

Like the visa statistics of the Federal Foreign Office – the second relevant data source on family reunification – the Central Register of Foreigners does not contain any information on whether family members join persons with recognised protection status. Some information is provided by the structure of family reunification according to the nationality of the persons joining families in Germany: Before the rise in forced migration, Turkey was still the main country of origin for family reunification, but in 2017 – with a certain delay – Syria was first with 33,000 persons. Overall, the main countries of origin<sup>19</sup> of forced migration to Germany accounted for between 21 and 41 per cent of family reunifications in Germany from 2015 to 2019; in total, there were around 157,000 reunifications of family members from these countries. Thus, family members do not predominantly join persons with recognised protection status, but – apart from the special developments in 2016 and 2017 – mostly migrants from countries of origin that play no or only a minor role in forced migration.

### **Educational migration**

Since the reforms of immigration law, especially from 2005 onwards, migration for the purposes of education and training in Germany has increased considerably. The largest part of this group is made up of students who take up studies at German higher education institutions (Graf 2020b, p. 15; on diversity at German higher education institutions and among students from abroad, see Chapter 4.2.3). The number of first-year students who acquired their higher education entrance qualification abroad (so-called *Bildungsausländer*) rose considerably between 2000 and 2019<sup>20</sup>, from 45,000 to 111,000 per year; since 2006 it has been steadily increasing. In 2016 and 2017, respec-

tively, the top countries of origin for first-year students from abroad were China, India, the United States, Italy and France; in 2018, Syria moved into the top five countries of origin, supplanting France. In 2019, 49,000 foreign students completed their studies in Germany, compared to 44,000 in 2017. Most of the degrees were in engineering sciences as well as law, economics and social sciences (BMI/BAMF 2021).

According to the Residence Act, foreign graduates can obtain a residence permit in order to seek a job appropriate to their degree. This is currently valid for 18 months after the course of study (Section 16 paragraph 5 of the Residence Act (*AufenthG*)).<sup>21</sup> In 2019, 7,300 such residence permits were granted,<sup>22</sup> which was an increase of 15 per cent compared to the previous year (Graf 2020b, p. 16). Residence permits for language courses or to attend school in Germany were granted on a similar scale in 2019 (7,000). A total of 13,400 residence permits were issued for in-company training, while 1,900 were issued for measures relating to the recognition of foreign professional qualifications.

With 265,000 foreign students at German higher education institutions, Germany accounted for 5 per cent of the world's international students in 2017. Within the OECD, this puts Germany in fourth place after the USA, the UK and Australia (DAAD 2020). The fact that some countries with smaller populations and in some cases lower per capita incomes, such as Australia and the United Kingdom, are still ahead of Germany in this respect is due to a variety of reasons that cannot be influenced or can only be influenced marginally, such as the German language or colonial ties in the other countries. Over time, however, the number of international students in Germany has increased significantly; in the winter semester 2018/2019 it had already reached 302,000 (BMI/BAMF 2020).

### **Labour force migration**

With Chancellor Gerhard Schröder's Green Card initiative for IT specialists and the 2005 Immigration Act and its amendments, the Red-Green federal government and subsequent governments were hopeful that significantly more

19 Syria, Iraq, Iran, Afghanistan, Pakistan, Nigeria, Somalia and Eritrea; this group of countries is also appraised as "eight non-European asylum seekers' countries of origin" in the statistics of the BA.

20 In each case, the total number of graduates from the summer semester and the following winter semester of the year in question.

21 The Skilled Workers Immigration Act, which came into force on 1 March 2020, has changed the system for residence permits – in the area of educational migration as well. The above-mentioned paragraphs refer to the designations valid until that date, which is also the date upon which the cited statistical evaluations are based.

22 This and the purposes of residence mentioned below involve, to varying degrees, persons who entered Germany in 2019 or earlier (Graf 2020b: 16. Thus, temporary residence permits for job search after a course of study were quite predominantly granted to persons who were already staying in Germany before 2019 (98 per cent); in contrast, such permits for the purpose of attending a language course or school were mostly granted to persons who had entered Germany in the same year (61 per cent).

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highly qualified and skilled workers would immigrate to Germany. In fact, this expectation was not fulfilled. This was also due to the fact that the final version of the Immigration Act did not contain many of the originally planned access options, which were then only gradually introduced over the following 15 years, up until the time the Skilled Workers Immigration Act was implemented. Thus, after the Immigration Act came into force in 2005, initially around 18,000 people came to Germany with a residence permit for gainful employment purposes; in 2010 the number was 30,000 and by 2019 it had risen to 64,000 people.<sup>23</sup> The share of residence permits for gainful employment purposes in relation to all influx from third countries thus increased in this period from initially about 5 per cent to 12 per cent; in relation to all influx to Germany it is about half as high.

Among the temporary residence permits for gainful employment granted in 2019, residence permits for qualified skilled workers (Section 18 paragraph 4 of AufenthG) accounted for 33 per cent and the “EU Blue Card” accounted for 20 per cent of the permits. A total of 61 per cent of the residence titles were granted to qualified specialists and highly qualified persons. 39 per cent reported employment without qualification requirements (Section 18 (3) of the AufenthG; BAMF 2020).

The fact that the proportion of residence permits issued to third-country nationals for employment purposes is so low in relation to total immigration is problematic from an integration perspective. This is because the employment rate is much lower for third-country nationals who have arrived via other visas and residence permits (cf. Chapter 4.3).

### ***Stark west-east divide in immigration***

The previous sections have outlined the diversity of migration to Germany. Beyond that, there are also differences at the regional level. Immigrants and their descendants are much more frequently to be found in western Germany than in eastern Germany. For example, according to the results of the micro census taken in 2019, 95 per cent of the 21.2 million people with a migration background lived in the old federal states including Berlin (DESTATIS 2020a), and only about 1 million in Mecklenburg-Western Pomerania, Brandenburg, Saxony-Anhalt, Saxony and Thuringia. This is also a consequence of historical differences, as migration played only a marginal role in the GDR (see above. Chapter 2.2.1).

After reunification in 1990, the eastern federal states were initially – and this still tends to be the case – mainly home to migrants who were “allocated” via state-wide distribution methods such as the Königstein formula: Asylum seekers, ethnic German re-settlers, as well as Jewish migrants from the countries of the former Soviet Union. Poland as a neighbouring country to the east, as well as the remaining Vietnamese community, also played an important role. The main countries of origin of migrants thus differed in eastern and western Germany – at least until the occurrence of heavy forced migration from 2015 onwards (Weiss 2009, p. 137). For example, the proportion of people of Turkish origin was and is much lower in the area of the former GDR, while in Germany as a whole, people of Turkish origin still represent the largest single group of immigrants. At the same time, quite a few “assigned” migrants leave the new federal states again for the west as soon as this is possible. Factors in both parts of the country play a role here: higher unemployment and lower earnings in eastern Germany as well as the comparatively more widespread rejection of migration or immigrants there on the one hand, better labour market opportunities and acceptance into better-developed migrant networks in the west on the other (cf. Perabo 2018, p. 16).

However, Weiss (2009) also points to special potential for immigration in eastern Germany. For example, the specific structure of the countries of origin also means that immigrants there are comparatively well educated on average and have high educational aspirations – and the children are also very successful in the school system. In addition, “special forms of self-organisation have developed that have broken new ground in joint integration efforts, just as high unemployment has also led immigrants to take new and creative paths into self-employment” (Weiss 2009, p. 146). Last but not least, demographic developments, especially in rural regions of eastern Germany, as well as the increasing shortage of skilled workers, could promote a new and more positive view of migration (cf. Rösch et al. 2020).

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23 These are in each case persons who entered the country in the year under review and received the corresponding residence permit in the same year or in the first quarter of the following year. Source: The Federal Office of Statistics, various years.

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## 2.3 Forced migration and integration of protection seekers

From 2015 up to and including 2019, around 1.8 million applications for asylum were submitted in Germany (BAMF 2020). According to the Federal Statistical Office, the number of protection seekers living in Germany<sup>24</sup> grew from 746,320 to 1,839,115 in the same period, i.e. by more than 1 million (DESTATIS 2020c).<sup>25</sup> The difference between the asylum applications and the growth of the group of persons seeking protection is essentially explained by the fact that many persons left Germany again voluntarily or were deported during or after the conclusion of the asylum procedures. Overall, 30 per cent of the growth in the foreign population since 2010 can be attributed to the increased number of protection seekers in Germany. In this respect, forced migration has undoubtedly played an important role in migration in the last decade. However, it has not dominated it; among other things, a large number of EU citizens have immigrated in parallel (cf. Chapter 2.2.2).

The sharp increase in forced migration to Germany in 2015 and its consequences are still a subject of controversial debate today in politics and society, even given the fact that not each and every asylum seeker has a right to protection. The integration of protection seekers also poses greater challenges to society and politics than integration relating to other forms of migration. In view of all these aspects, the consequences of the events of 2015 and the following years are the focus of this chapter. However, the dynamics of forced migration that have shaped Germany as a country of immigration over the past few decades up to the present are not limited to recent events.

### *Forced migration as part of global political events*

Forced migration is much more dependent on global political events than other forms of migration. The effect of a military coup in Turkey in 1980 was that more asylum applications were submitted in Germany; the federal legislature responded to this with one of the first reforms of the Asylum Act, which ultimately culminated in the enactment of the Asylum Procedure Act.<sup>26</sup> The fall of the Iron Curtain as well as the civil wars in the former Yugoslavia led to a significant increase in the number of asylum appli-

cations in the early 1990s, as a result of which the asylum law was comprehensively amended within the framework of the “asylum compromise” (Chap. 2.2.1).

The close connection between global political events and forced migration is also reflected in the recent development of forced migration to Germany.

In the early 2010s, there were initially many applications from persons from the Western Balkan countries, whose chances of recognition were low, however. In the course of 2015, the number of people seeking protection from Syria, Iraq, Afghanistan and some countries in the Horn of Africa then rose sharply. This increase in forced migration can be attributed to various causes, including the outbreak of civil war in Syria in 2011 and the rise of the “Islamic State” (IS) in Iraq in 2014, the ongoing conflicts in Afghanistan and the deterioration of the humanitarian, social and economic situation of those seeking protection in the immediate neighbouring countries of the crisis-ridden countries. Other causes include lower costs and risks associated with flight along the eastern Mediterranean route (Brücker/Croisier/Kosyakova u. a. 2019). Approximately 60 per cent of those seeking protection migrated directly from their countries of origin to Germany at the peak of forced migration in 2015-16, while around 40 per cent stayed in transit countries for at least three months beforehand (Brücker/Rother/Schupp et al. 2016).

After the decisions made by the federal government in September 2015, forced migration initially continued to increase, but the number of protection seekers arriving had already risen sharply from spring onwards and then declined considerably after its peak in November 2015. Since the closure of the Balkan route and the adoption of the EU-Turkey agreement in March 2016, the influx of protection seekers (the number of asylum applications in Germany) has settled at 10,000 to a maximum of 20,000 per month; this figure has declined even further since the outbreak of the COVID-19 pandemic. With the decline in forced migration to Germany and Europe, the composition of the countries of origin has also changed. For example, more people from the Maghreb states and sub-Saharan countries have been arriving in Italy and Spain via the Mediterranean routes, including

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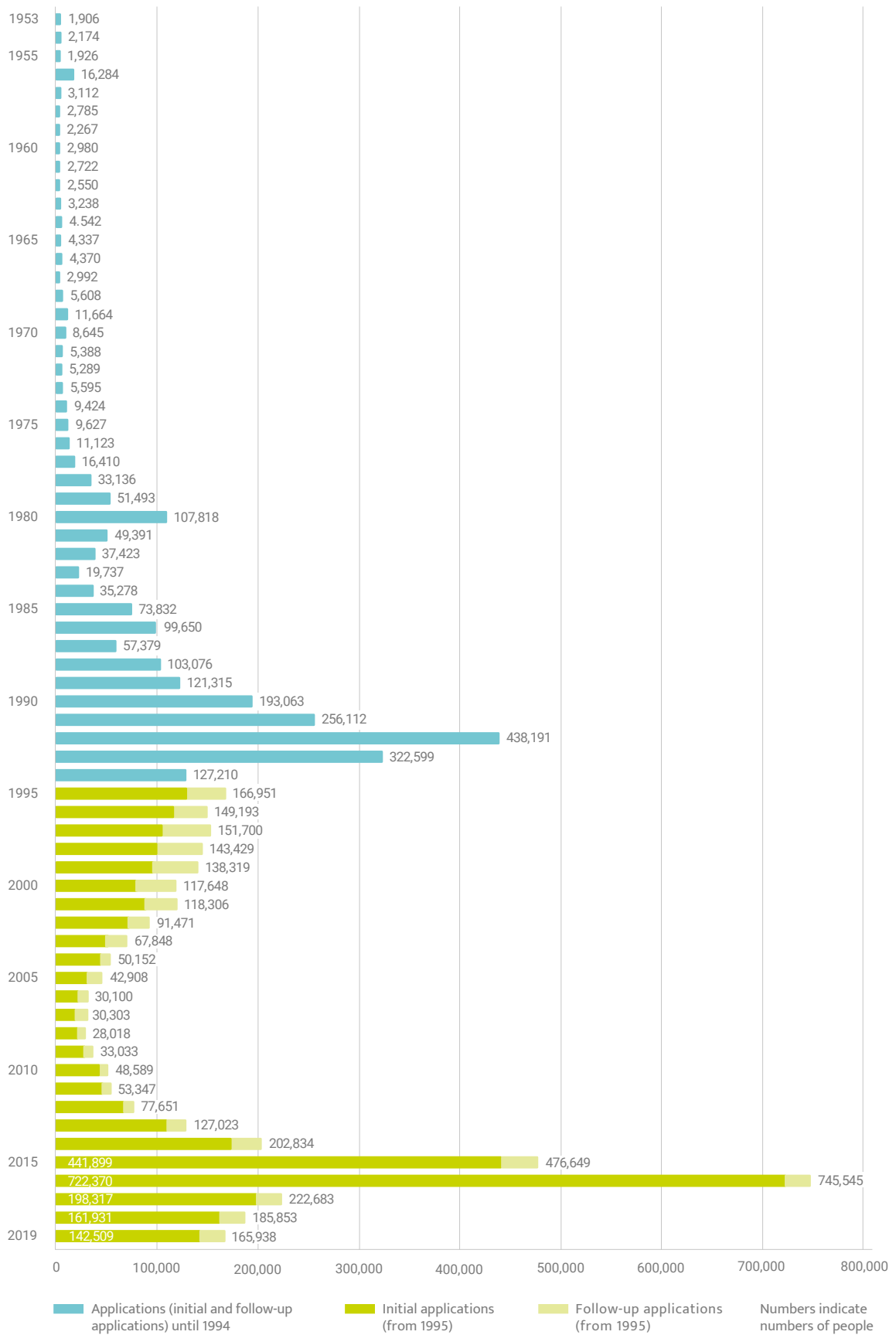
24 The Federal Statistical Office defines as protection seekers all foreigners who are in Germany on political, legal (international law) or humanitarian grounds. This includes protection seekers with open protection status who are residing in Germany as they await the implementation of the asylum procedure, protection seekers with approved protection status that allows for a limited or unlimited stay in Germany, and protection seekers who are staying in Germany as persons obliged to leave after the rejection of their asylum application or loss of protection status (cf. DESTATIS 2019f). Among the people with recognised protection status are also those who have not undergone an asylum procedure but have come to Germany via the resettlement procedure, for example.

25 Not all protection seekers have entered Germany: 9 per cent had been born in Germany by the end of 2019. This is due to the fact that in recent years the proportion of asylum applications for children born in Germany has increased.

26 Asylum Procedure Act: Act dated 26/6/1982, BGBl. 1982 I 956.



Fig. 5: Asylum applications in Germany since 1953.



Source: BAMF 2020.

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an increasing number of Tunisian and Algerian nationals in 2020 (see below), but so far they have not continued to migrate to Germany on a large scale after arriving in the EU. This development is probably also due to the deterioration of economic conditions in the Maghreb and sub-Saharan countries.

The increase in forced migration to Germany and other countries in the EU is part of a global phenomenon: According to data from the High Commissioner for Refugees of the United Nations, the number of refugees and expellees<sup>27</sup> worldwide rose from 30 million in 2010 to nearly 80 million in 2019. One-third of these refugees and expellees (i.e. approximately 25 million people) left their home countries (United Nations High Commissioner for Refugees (UNHCR) 2020a). Of these, around 80 per cent live in immediate neighbouring countries. A total of 84 per cent have been taken in by developing countries and 16 per cent (just under 4 million people) by high-income countries in the EU and OECD (UNHCR 2020a). Although globally the number of refugees and expellees is no longer rising as sharply now as in 2014 (when the number of victims in the Syrian civil war reached its peak to date), the increase is still at a high level, which was most recently mainly due to the fact that the UNHCR also included the citizens of Venezuela as a special category in the flight statistics (ibid.).

At the same time, it follows from the link between forced migration and the global political context that one cannot reliably forecast how many people will apply for asylum in Germany or the European Union in future. However, political instability in numerous neighbouring regions south and southeast of the European Union suggests that forced migration can also be expected in the future. The violent conflicts in Syria and other war-torn and crisis-ridden states show that despite some improvements, the humanitarian situation in the countries of origin and their neighbouring countries remains poor overall. At the same time, the increasing number of protection seekers on the Greek islands since the summer of 2019, and finally the de facto suspension of the EU-Turkey agreement by Turkish President Recep Tayyip Erdoğan in March 2020, demonstrate that the current low number of protection seekers reaching the EU is largely dependent on the willingness of countries at the EU's external borders and those bordering the Mediterranean to cooperate. The poor humanitarian situation on the Greek islands and in other EU member states is also increasing the pressure to redistribute the protection seekers within the EU. In addition, there are economic difficulties as well as population growth in numerous countries, and this

can influence the number of asylum applications. Nevertheless, the impact this might have on migration patterns cannot be reliably predicted (SVR 2020, pp. 29–36; cf. Chapter 3.9). A forward-looking integration policy should therefore be prepared for the fact that against this background, the number of people seeking protection in the EU and Germany could also increase significantly again.

### ***Application for asylum as an expression of “mixed migrations”***

The majority of those seeking protection who have moved to Germany in recent years come from countries where war, civil war and persecution prevail (see below). However, this is by no means true for the entire refugee situation in Europe and Germany. This is exemplified by the current situation in the central and western Mediterranean, where for some years now the majority of people arriving in Spain and Italy have little chance of being recognised (as is reflected in European asylum statistics). For example, by the end of September 2020, just over 22,000 people had arrived in Italy by sea, including more than half from Tunisia and Bangladesh; in Spain, a good 17,000 people landed in the same period, mainly from Algeria, Morocco and Mali (UNHCR 2020b). In 2017, when significantly more people arrived in Italy, the main countries of origin were Nigeria, Guinea and Côte d'Ivoire (UNHCR 2017). In contrast, in recent years and to this day, people with a statistically high chance of recognition have predominantly arrived in the eastern Mediterranean (Greece), especially from Syria, Iraq and Afghanistan.

In this respect, one can also speak of “mixed migrations” with regard to influxes via the asylum system: These equally include groups of people with a high need for protection and groups to whom this does not apply. In the political discussion, the term “mixed migration” is often used to refer to the simultaneous application for asylum by persons with and without a need for protection (e.g. UNHCR 2006), while the sociology of migration and economic migration research primarily focus on the idea that individual motives and preferences cannot always be clearly assigned to the legal categories of forced or voluntary migration (Ottonelli/Torresi 2013; Hein 1993). What the two usages have in common is that they emphasise that it is not always possible to clearly distinguish between persons with and without a need for protection. The UNHCR therefore uses a broad concept of refugee that encompasses various forms of protection, but emphasises that not all migrants are also refugees (UNHCR 2018; Feller 2006).

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27 The UNHCR speaks of the “Population of Concern”: This includes refugees, asylum seekers and persons entitled to asylum, as well as expellees within and outside their home countries.

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In addition, in the case of the Federal Republic of Germany, protection seekers do not always travel directly from their country of origin to Germany. Some stay in other countries for a certain period of time. This applies not least to so-called secondary migration in the European Union, but also to other refugee movements, for example from initial reception states in the neighbourhood. Such onward migration may have different motives than the original decision to leave the country of origin (Chapter 3.9.). Efficient asylum systems must do justice to the phenomenon of “mixed migrations”. Ideally, such systems should allow people with a genuine need for protection to enter, while people without a need for protection should not enter the country through the asylum system and should also leave the country again if their applications for protection are rejected. In the case of secondary migration, the question also arises as to how responsibility for refugee protection can be shared between countries in a spirit of solidarity.

#### ***Political reactions between domestic and foreign policy and progressive Europeanisation***

A characteristic of German asylum policy is the progressive shift to the European and also international level. This was different in the 1980s and early 1990s. Policy makers reacted to the increase in the number of asylum applications at that time primarily through domestic measures – for example by making the asylum procedure stricter, delaying access to the labour market or providing fewer social benefits. The “Asylum Compromise” of 1992-93 (Chapter 2.2.1) was particularly marked by this approach, after various individual laws had also previously followed the same approach (Hailbronner 1989).

Only a few attempts were made at the time to control refugee movements by means of foreign policy measures. For example, the federal government under Chancellor Helmut Schmidt reacted to the increase in the number of asylum applications in 1980 by introducing a visa requirement for Turkey (Federal Government 1980). When in the mid-1980s an increasing number of people seeking protection entered via East Berlin’s Schönefeld airport, the West German federal government convinced the GDR to make it more difficult for people from certain countries to enter West Germany, among other ways by granting the GDR additional loans (Stadt 2015). In the early 1990s, Germany also concluded numerous repatriation agreements with countries in Eastern and Southeast Europe and at the same time facilitated legal entry for economic reasons – e.g. for seasonal or contract workers (Guiraudon 2003). These forms of “foreign migration policy” supplemented the primarily domestic policy response at the time.

Based on the experiences of the time, the German government was a driving force behind the Europeanisation of asylum policy, establishing independent asylum systems in previous transit countries by means of international treaties and European agreements (Federal Constitutional Court (BVerfG) 1996, p. 85;<sup>28</sup> Baumann 2006). Subsequently, the European Union issued numerous directives and regulations that continue to have a decisive influence on German asylum practice today. Particularly important in practice are the Qualification Directive 2011/95/EU, which regulates the conditions for refugee status and subsidiary protection, the Procedures Directive 2013/32/EU with specifications on the asylum procedure, the Reception Directive 2013/33/EU with rules on accommodation during the asylum procedure and the Repatriation Directive 2008/115/EC, which partially standardises the enforcement of the obligation to leave the country (on the development Bendel/Ripoll Servent 2018; Thym 2016b). The provisions of the current Dublin III Regulation are especially known among the general public. According to its rules, in case of doubt, the contracting state in which the protection seekers first entered the EU is responsible for conducting the asylum procedure; the responsibility can also change if protection seekers continue to migrate irregularly and file a second asylum application. Under this system – if it were actually to be implemented as designed in practice – a large part of the fiscal costs and other burdens associated with conducting asylum procedures and granting protection would fall to the states at the EU’s external borders. As part of the “New Pact on Migration and Asylum”, the European Commission proposed a fundamental revision of numerous legal acts in September 2020 (COM 2020), which will be intensively discussed in the coming months.

Foreign policy measures also gained in importance as a result of Europeanisation. For example, visa requirements and the related threat of sanctions for companies that transport people without visas have been extended and harmonised at the European level. They are still one of the most important instruments of migration management in the asylum sector; at the same time, they explain why very many people who apply for asylum in Germany or other EU states today enter irregularly (Heijer/Rijpma/Spijkerboer 2016). This applies to countries with a high probability of persecution, such as Syria, as well as to countries whose nationals have a statistically low chance of recognition. The EU-Turkey agreement is just as much a part of “foreign migration policy” as the – highly controversial – cooperation of the EU and its member states with countries in North Africa. In September 2020, the European

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28 BVerfG, Urt. v. 14.5.1996, 2 BvR 1938/93 and 2 BvR 2315/93, BVerfGE 94, 49.

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Commission proposed to further strengthen cooperation with third countries in order to ensure that fewer people apply for asylum in the EU and then have to be distributed among member states (Commission 2020). This policy approach thus attempts to limit forced migration before or upon entry; it is discussed in refugee research under the umbrella term of “externalisation” (Scott Fitzgerald 2019; Thym 2019c). This tendency towards externalisation is at the centre of criticism by refugee organisations and critical researchers of German and European asylum policy (Pro Asyl et al. 2020; Moreno-Lax 2018).

The increasing focus on external migration policy means that the conflict of goals between migration management and integration promotion (Chapter. 3.9) is today often resolved by taking tough and politically controversial measures at the European and international level, while at the same time being less strict internally and accentuating integration promotion (Thym 2019d). Nevertheless, the conflict of goals continues to influence domestic policy measures. This is exemplified by the Western Balkan states, which accounted for around a quarter of asylum applications in 2013 and 2014, before refugees from Syria, Afghanistan, Iraq, Iran, Eritrea and Somalia increasingly dominated the refugee scene from spring 2015 onwards (see above).<sup>29</sup> It was only thanks to a number of measures, including foreign policy cooperation (Federal Government 2018b, p. 109 f.), media education (Federal Foreign Office 2020), intensified deportation practices (Federal Government 2016, p. 2), programmes for voluntary departure (SVR 2019, pp. 93–95), legal entry for economic purposes (Chapter 4.3.3) and tighter asylum laws<sup>30</sup> that immigration from the Western Balkan states could be reduced through the asylum system. With the “New Partnership Framework”, the European Union has been trying for some years to develop a similar dynamic towards the countries of origin and transit in the northern and western parts of Africa (COM 2016; Peers et al. 2015, Ch. 10).

In the political discussion, resettlement programmes and other instruments of legal access channels (EU Agency for Fundamental Rights 2015) are often discussed as a humanitarian solution for regulating the access of protection seekers. Resettlement programmes are mechanisms to allow legal entry for persons in need of protection, thereby providing protection to particularly vulnerable groups who often do not have the resources to enter irregularly on their own. Resettlement also has the advantage of facil-

itating the integration of protection seekers in the destination countries, because targeted integration measures take place from the outset and can be planned and prepared in advance. In quantitative terms, however, it plays a subordinate role in global refugee flows: Around 92,000 refugees and expellees were taken in worldwide in 2018 as a part of the resettlement programmes (ibid.). Germany had planned to participate in resettlement programmes with up to 10,200 slots in 2018/2019. In the end, 3,205 persons were admitted in 2018 and 4,844 in 2019. In 2020, Germany planned to provide a further 5,500 slots (Caritas 2020). In addition to the resettlement programmes, Germany had directly admitted a further 49,000 protection seekers for humanitarian reasons by the end of 2018 (DESTATIS 2019f).

The conflict of goals between migration management and integration promotion becomes particularly relevant in practical politics when it comes to topics such as the requirement that recognised refugees remain in certain locations (residence obligation – Chap. 4.9). 1), work permits for asylum seekers and tolerated persons (Chap. 4.3.8), family reunification (Chap. 4.9.2), the Asylum Seekers’ Benefits Act (cf. Chap. 3.9 and 4.7.2.1), healthcare benefits (Chap. 4.6) and the enforcement of the obligation to leave the country (Chap. 4.9.4). In these cases, policy makers must take into account the fact that asylum legislation not only affects those already in the country but can also provide incentives for people without protection needs to enter through the asylum system. Legislators find themselves in a dilemma if they consider a regulation for persons who are already in the country with or without a need for protection to be sensible in principle – but the same regulation can at the same time constitute an incentive for other people to choose Germany as a destination country, or for people who are obliged to leave the country to disregard this obligation to leave. Scholarly and scientific policy advice can only contribute to a limited extent to resolving this conflict of goals because the interrelationships remain undetermined in many cases and also differ depending on whether a person leaves their home country or continues their journey from a transit country where they have been staying for a longer period of time (Chapter 3.9.). These interdependencies are addressed below within the framework of the respective individual chapter.

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29 Cf. the asylum related administrative statistics of BAMF for the years 2013 to 2019. Syria, Afghanistan, Iraq, Iran, Eritrea and Somalia accounted for almost two-thirds of asylum applications in the years 2015 to 2019, the Western Balkan states for 11 per cent and Turkey and North Africa for 2 per cent each.

30 Asylum Procedure Acceleration Act: Act dated 20/10/2015, (Federal Law Gazette (BGBl.)) 2015 I 1722 as well as the Act on the New Determination of the Right to Remain and the Termination of Residence: Act dated 27/7/2015, BGBl. 2015 I 1386.

### *Consequences for integration in Germany*

In 2015, the fundamental unpredictability and volatility of forced migration was exacerbated by the crisis of the Dublin system and developments at the external and internal borders of the EU. The heavy and unpredictable increase in forced migration posed significant challenges to all officials in the municipalities, the federal states and the federal government, as well as to people and organisations in civil society, the business community and the general public. These challenges included tasks to be solved in the short term, such as accommodating and providing housing for those seeking protection, feeding them, providing healthcare and childcare, registering the persons concerned and carrying out the asylum procedures. However, there were also medium and longer-term tasks such as language support and integration into the labour market, the education and training system and other areas of society. Many institutions in Germany were either not or else inadequately prepared for this increase in forced migration; thus, the situation was often perceived as having reached the limits of reception and integration capacities. In fact, it revealed short-term capacity and resource limits in many areas. Areas of bottleneck in the first phase proved to be in particular the provision of housing, the registration of those seeking protection and the implementation of asylum procedures. There were also considerable difficulties in many other areas, such as language support, schooling and vocational training, as well as the implementation of labour market policy measures.

Since then, however, Germany has considerably expanded its capacities for receiving protection seekers. For example, the BAMF has been reformed and capacities for carrying out asylum procedures have increased significantly compared to the situation before 2015. This also applies to capacities for further education and labour market policy, as considerable investments have been made in language support and other integration measures, and likewise for schools and other educational institutions. The great-

est bottlenecks continue to be in the supply of housing, especially in the conurbations where it is already scarce in Germany (cf. Chapter 4.8). Compared to 2015, however, Germany is now better prepared to receive protection seekers in this respect as well. It is advisable to maintain a minimum infrastructure for this task in future, even if a society cannot hold unlimited resources in reserve for emergencies (cf. Chapter 3.8).

### *Residency status of protection seekers in Germany*

In 2019, Syria, Iraq, Iran, Afghanistan and the countries of the Horn of Africa accounted for 60 per cent of those seeking protection living in Germany; the countries of the Western Balkans accounted for 7 per cent and the North African states for 1 per cent (DESTATIS 2020c). At around 80 per cent, the majority of those seeking protection come from countries affected by war and civil war<sup>31</sup> or political terror,<sup>32</sup> or where elementary civil and human rights<sup>33</sup> are violated (Brücker/Croisier/Kosyakovska et al. 2019).

The proportion of protection seekers with legally recognised protection claims is somewhat lower: According to the Federal Statistical Office, of the 1,839,115 protection seekers in Germany at the end of 2019, 74 per cent had a recognised protection claim,<sup>34</sup> for 12 per cent the applications for protection had been definitively rejected and for 14 per cent the protection claim was still open. This does not include persons who left Germany voluntarily or were deported. According to the asylum statistics of the BAMF<sup>35</sup>, in the asylum procedures decided between 2015 and 2019, 58 per cent of the applicants were granted a claim for protection in the first instance, 27 per cent of the applications were rejected and 15 per cent were decided by “other procedural discharge”, for example because the applications had been withdrawn or had become irrelevant due to repatriations under the Dublin Regulation or other departures. If the formal decisions are excluded, the protection rate rises to 68 per cent (“adjusted protection rate”). The remaining discrepancy to the share of persons

31 66 per cent come from countries where war and civil war prevail according to the classification of the Uppsala Conflict Data Program (UCDP 2020) (cf. Pettersson et al. 2019; for calculations regarding those seeking protection in Germany, see Brücker/Croisier/Kosyakovska et al. 2019 – calculations for protection seekers in Germany).

32 In 80 per cent of the countries of origin, according to the Political Terror Scale (see Gibney et al. 2019 for the method); large parts or the entire population are affected by political terror (Brücker/Croisier/Kosyakovska et al. 2019).

33 81 per cent come from countries where, according to the Freedom House Civil Liberties Index, elementary civil rights are largely or completely violated (Brücker/Croisier/Kosyakovska et al. 2019).

34 Of the persons with recognised protection claims, 78 per cent had a residence or settlement permit as persons entitled to asylum, as recognised refugees according to the Geneva Refugee Convention, as persons entitled to subsidiary protection or as a result of a national ban on deportation. If one adds all other persons with a settlement permit from the humanitarian area, the proportion rises to 91 per cent. A further 5 per cent have been admitted directly for humanitarian reasons within the framework of resettlement programmes or on the orders of the federal government and the states. The remaining 4 per cent are accounted for by special arrangements for well integrated young people and adults, hardship cases and residency grants for tolerated persons with rejected asylum applications (DESTATIS 2020c).

35 See <https://www.bamf.de/DE/Themen/Statistik/Asylzahlen/AsylGesStatistik/asylgeschaefststatistik-node.html> [04.09.2020]. Figures for 2015 and 2016 available on request.

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with a recognised protection status according to the data of the Federal Statistical Office can be explained by various factors: direct admission of protection seekers via resettlement programmes and similar measures of the federal government and the states, recognition of protection claims at the level of court proceedings and via subsequent revision of decisions made by the BAMF, as well as repatriation and other departures of persons with rejected asylum applications.

The majority of those seeking protection therefore have legitimate, legally recognised protection claims. Not all of these people will receive permanent protection status in Germany. However, due to the situation in the countries of origin, such a status has only been revoked in a few cases so far and it can be assumed that a majority of these people will also remain in Germany in the medium and long term. This underlines the necessity of integrating them in Germany and addressing the challenges involved.

Of central political importance, of course, is also the group of those who cannot make legitimate claims for protection in Germany. According to the Federal Statistical Office, there were 213,000 people in Germany at the end of 2019 whose applications for protection had been rejected. In absolute numbers, this group has grown by around 104,000 people since the end of 2014, while their share among all protection seekers has fallen from just under 15 per cent to 12 per cent. In the years 2016 to 2019, around 95,000 persons were deported from Germany, around 29,000 of them were returned to other contracting states within the framework of the Dublin III Regulation. Another 113,000 persons left Germany in the same period under voluntary return programmes<sup>36</sup> (Mediendienst Integration 2020a). There are also those who departed again without government assistance. Since the departure of protection seekers is not completely recorded statistically, there is no information about the total number of people who have left Germany again during the asylum procedure, after rejection of their asylum applications, or with a protection status. As is the case with the entire field regarding returns, or with the obligation to leave for foreigners living in Germany, there are serious shortcomings in the data foundation (SVR 2019a, p. 85 et seq.) that need to be rectified urgently. The same applies to the statistical recording of asylum decisions through the official channel, as it only maps a part of the procedural results. Statements about recognition rates are thus only possible to a limited extent.

### ***Preconditions for integration***

The reception of protection seekers and their integration into society is done for political and humanitarian reasons; it is therefore not or not primarily an economic issue. Successful integration, however, lowers the economic, social and political costs of accepting protection seekers and thus expands the scope of action for an asylum and refugee policy oriented towards humanitarian principles.

War and displacement, the often poor economic situation in the countries of origin (which affects persons with and without a need for protection), but also the high risks and costs of flight mean that those seeking protection in Germany are a very selective group. They differ considerably from the population of the countries of origin according to demographic, social and economic criteria, which in turn affects their chances of integration and participation. While about half of the refugees worldwide are women and likewise about half are minor children (irrespective of gender) (UNHCR 2019), of those seeking protection in Germany, about 73 per cent are of adult age and about 62 per cent are male (DESTATIS 2020c). The average age of adult protection seekers is lower than that of the German population, but also lower than that of the newly arrived. Since fleeing to Germany is very expensive – on average, the costs can be estimated at around €6,000 (Brücker/Croisier/Kosyakova et al. 2019) – the group of protection seekers includes an above-average number of members of the middle classes in the countries of origin. Correspondingly, their level of education is higher than the average in their countries of origin (Aksoy/Poutvaara 2019; Guichard 2020); the same applies to their position in the income distribution scale (Brücker/Croisier/Kosyakova et al. 2019). Those seeking protection also belong to ethnic and religious minorities in their countries of origin more often than is the case on average (Brücker/Kosyakova/Vallizadeh 2020). Finally, survey results show that the majority of those seeking protection share basic values such as approval of democratic forms of government, rejection of authoritarian rule, separation of state and religion and protection of minority rights. Their views and values are much more similar to those of the German majority than to those of the majority of the population in the countries of origin (Brücker/Rother/Schupp et al. 2016; Brenzel et al. 2019). However, some qualitative studies find evidence that Israel-related antisemitism is (more) prevalent in this group. Overall, however, the picture is quite heterogeneous and differentiated (Arnold/König 2017).

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<sup>36</sup> This is the merged programme Reintegration and Emigration Programme for Asylum Seekers in Germany (REAG) and Government Assisted Repatriation Programme (GARP), which is implemented by the German federal government in cooperation with the International Organisation for Migration (IOM) and is co-financed by the EU.

Nevertheless, protection seekers have less favourable preconditions for integration and participation than other migrant groups (cf. among others, Bevelander 2011; Brücker/Croisier/Kosyakova et al. 2019; Brücker/Kosyakova/Schuß 2020; Dustmann et al. 2017). There are a number of reasons for this:

- 】 War, persecution and displacement **increase the risk of mental illness and post-traumatic stress disorder**, especially when such strains pile up. This particularly affects refugee women and older persons. The separation from family members, especially from spouses and partners or minor children, also correlates with an increased risk of mental illness (Begemann et al. 2020; Brücker/Croisier/Kosyakova et al. 2019; Metzinger et al. 2020).
- 】 Until the conclusion of the asylum procedure, those seeking protection are subject to different **legal requirements** for integration than other migrants. It is true that asylum seekers – provided they no longer live in initial reception centres and do not come from safe countries of origin – can in principle start working or begin a training programme three months after registration if the competent authority for foreigners and the Federal Employment Agency approve (cf. Chap. 4.3.8). However, during the procedure – depending on the country of origin and circumstances – there is still more or less legal uncertainty regarding residency status; this in turn makes it more difficult to invest in employment or training. This particularly affects people from countries that have only a medium or low recognition rate. During the asylum procedure, the persons concerned only have access to integration courses and other integration measures if they come from countries with good prospects for recognition (cf. Chapter 4.2.4).
- 】 Only 2 per cent of those seeking protection have good or very good **German language skills** when they arrive in Germany (Brücker/Rother/Schupp et al. 2016; Scheible 2018). Language acquisition is also made more difficult by the fact that for most protection seekers the linguistic distance between their mother tongue and the German language is relatively large. Moreover, many cannot read the Latin alphabet. The proportion of people who are not literate at all and who are functionally illiterate is estimated at 15 per cent (Scheible 2018).

Flight and displacement also cause the interruption of **educational and employment trajectories**. Moreover, those seeking protection are poorly prepared for migration and subsequent integration into the labour market, the education system and other areas of society than other migrant groups. Although they are better qualified than the average population in their countries of origin, there

is still an educational gap as compared to the German population. This is evident in the area of school education, but especially in vocational and higher education. Thus, the proportion of those with school-leaving qualifications is only slightly smaller than in the average population in Germany – but at the same time, a quarter of the adult protection seekers only have a six-year primary school education or have not attended to school at all. More than 25 per cent of adult protection seekers have some type of vocational education or higher education at the time of influx, and more than 20 per cent have a relevant graduation certificate (Brücker/Kosyakova/Schuß 2020; Brücker/Rother/Schupp 2017).

This is mainly due to the fact that in most countries of origin there is no vocational training system comparable to the German system of dual education. Vocational qualifications beyond academic professions are usually acquired in these countries of origin through training on the job – not through vocational training courses with corresponding degrees and certificates. However, around three-quarters of refugee men and almost two-fifths of refugee women in Germany seem to have acquired qualifications through professional experience before leaving their country of origin. The vast majority had professional qualifications: The proportion of those who have exercised skilled, specialist and expert activities is only slightly lower among those seeking protection with professional experience than among German employees (75 vs. 80 per cent) (Brücker/Kosyakova/Schuß 2020). Even if the technologies and organisational processes used in the countries of origin differ greatly from those in Germany, these figures do show that there are substantial qualifications present here. However, these are not certified and can thus only be transferred to a limited extent into a labour market like the German one, which is very much structured by education and training courses and the corresponding degrees (cf. Chapters 4.3.4 and 4.3.5).

Against this background, integration into the labour market, the education system and other relevant areas of society has been and continues to be a much greater challenge for protection seekers than for other groups of immigrants.

### **Progress in integration**

Germany responded to the strong influx of protection seekers in 2015 with considerable investment in integration, which has since led to visible successes in many areas:

- 】 The **asylum procedures** have been considerably accelerated by the reorganisation and expansion of the Federal Office for Migration and Refugees (BAMF). According

to estimates, the BAMF had, for example, decided 43 per cent of asylum applications in the first instance 12 months after the application was filed in the case of asylum seekers who arrived up until 2014; for those who arrived in 2015, the figure was 62 per cent and for those who arrived in 2016 and later 73 per cent. For asylum seekers who moved to Germany in 2015 and later, the first-instance decision was still pending for 8 per cent two years after filing their application; for those who moved to Germany up until 2014, the figure was 30 per cent (Brücker/Kosyakova/Schuß 2020). While critical objections were frequently raised against the acceleration, they pertained to the standard of decision making. In reviews of the decisions from 2015 and 2016, however, the BAMF identified a minimal need for revision.<sup>37</sup> The acceleration of asylum procedures might have distinctly improved the integration opportunities of the protection seekers: With greater legal certainty about residency status, the likelihood of companies investing in employment increases, and the protection seekers themselves are more likely to acquire language skills and other skills that enhance human capital (Brenzel/Kosyakova 2019; Brücker/Croisier/Kosyakova et al. 2019). Conversely, the chances of successful labour market integration deteriorate in the long term the longer the asylum procedures drag on (Hainmueller et al. 2016).

- ▶ Legal prerequisites were created in the autumn of 2015 to also allow asylum applicants from countries with good prospects of staying to participate in government supported **integration courses**. At the same time, the range of integration courses was significantly expanded, as were numerous other language programmes from different providers at the municipal and state level. Language is a key competence upon which integration in the education system, labour market and many other fields is significantly dependent. In the second half of 2018, 86 per cent of those seeking protection had participated in language programmes and 67 per cent had also completed at least one course.<sup>38</sup> Three years after their arrival, 70 per cent had taken part in BAMF integration courses and 55 per cent had also completed them. Accordingly, the level of German language skills has risen

continuously: In the second half of 2018, 45 per cent of those seeking protection had good or very good German language skills according to their own assessment, while a further 34 per cent rated their German language skills at an intermediate level (De Paiva Lareiro et al. 2020).<sup>39</sup> Since then, the proportion of those with good or very good language skills may have continued to rise. However, even though great progress has been made, many protection seekers still have considerable deficits here. For example, while a slight majority in integration courses achieve the targeted level B1 according to the Common European Framework of Reference for Languages (Tissot et al. 2019),<sup>40</sup> others only attain level A2 or below or leave the courses before completing them. In the labour market and many other areas, successful participation also often requires a significantly higher linguistic level than B1. This is why there is a need for more advanced language courses, such as the BAMF's vocational language courses, and also for language courses that are offered alongside work. Here the participation rates are still comparatively low.

- ▶ Substantial efforts were taken to integrate the protection seekers and their children into the German **schooling system, training programmes and universities**. Minor-age protection seekers are subject to compulsory education just like other children and adolescents. Despite the high immigration figures, schools were able to ensure this almost across the board; only a small proportion of children and adolescents of school age do not attend school. The proportion of young children who are cared for in daycare centres and kindergartens is still smaller than the average for the population (cf. Chap. 4.2.1.1), but the care rates have already risen significantly (Brücker/Gundacker/Kalkum 2020; Gambaro et al. 2019).<sup>41</sup> In view of the comparatively high proportions of those without completed formal vocational training and without school-leaving qualifications, there is still a considerable need for education and qualification among adult protection seekers as well. These protection seekers also have high educational aspirations: Around two-thirds of them still want to catch up on vocational and higher education qualifications, around two-fifths

37 Thus, approximately 33,000 of the asylum procedures that had been executed in writing in 2015 and 2016 (so-called questionnaire procedures) were reviewed in the first half of 2019. 98.8 per cent of the positive decisions were confirmed, primarily in the case of Syrian asylum seekers (German Parliament 2019a, p. 10).

38 A course is considered as "completed" here if the respondents report that they have participated in this course and specify the date of course completion.

39 Language skills were analysed across the three dimensions of speaking, reading and writing.

40 Here we are dealing with results from integration course participants who were citizens of Syria, Iraq, Iran, Eritrea and Somalia. They are very likely to have a refugee background; however, this is not entered as such in the integration course statistics (Tissot et al. 2019, p. 38).

41 In the second half of 2018, 15 per cent of protection-seekers' toddlers up to the age of two were cared for in crèches (population average: 22 per cent); 71 per cent of three-to-six-year-old children of protection seekers were cared for in kindergartens (population average: 90 Per cent (Brücker/Gundacker/Kalkum 2020)).



still plan to complete their school education (Brücker/Rother/Schupp 2017). In the second half of 2018, a quarter of the adult protection seekers had attended a school, taken a training course or begun pursuing a degree since their arrival in Germany; over 15 per cent were participating in an education programme at that time (Brücker/Kosyakova/Schuß 2020). It can be assumed that these proportions have risen further in the meantime. This means that the education and training potential of adult protection seekers in particular is far from exhausted, although the situation has improved significantly compared to 2015 (cf. also Ch. 4.2).

▮ Labour market integration is more rapid among recently arrived protection seekers than is the case for those who arrived in the past: Of those who have moved to Germany since 2013, half took up their first gainful employment in Germany after 46 months; those seeking protection who moved to Germany from the 1990s onwards had crossed this threshold only after 50 months. Overall, of the protection seekers who had arrived since 2013, 35 per cent were employed in the second half of 2018. The employment rate increases with the length of stay: A total of 49 per cent of protection seekers already living in Germany for five years were employed in the second half of 2018; the employment rate was 44 per cent for those who had stayed for four years, etc. Among the protection seekers, 58 per cent were employed as qualified workers, specialists or experts and only 42 per cent as unskilled workers (helpers).<sup>42</sup> The vast majority did not have a professional qualification here. They were thus able to partly use their human capital gained through work experience in the German labour market. A considerable number admittedly also work in jobs that have a lower requirement level than the occupational activities they were performing in their country of origin. There is still a considerable gap in terms of earnings: Full-time employed protection seekers achieve only 55 per cent of the average earnings level of full-time employees in Germany. However, in a statistical analysis of age and work experience, the gap is far less pronounced than what this average value suggests. In the course of time, earnings do increase (Brücker/Kosyakova/Schuß 2020) (cf. Chapter 4.3).

In addition to the considerable investments made for integration, this quite favourable course of labour market integration in a historical comparison is to be attributed to the fact that labour market conditions in Germany were very favourable until the beginning of

2020. However, it must be assumed that the effects of the COVID-19 pandemic will lead to a significant deterioration of the labour market situation for protection seekers: Rather large parts of this group are employed in economic sectors and occupations that have been affected far more than average by the crisis – e.g. labour leasing, the hotel and catering industry and business-related services. Therefore, protection seekers will probably be heavily affected by short-time work and layoffs. Their predominantly short length of service and above-average employment in small companies are likely to further increase the risk of dismissal. After all, the new hires will especially take a far greater hit during the crisis, and this will have a significant negative impact on future opportunities for integration into the labour market.

▮ Over time, there have also been signs of an improvement in the **housing situation** and the accommodation situation. In 2015 and at the beginning of 2016, large numbers of asylum seekers were still living in emergency shelters and other temporary shared accommodation (tents, gymnasiums and other buildings not suitable for residential purposes). The consequences – lack of privacy, insufficient individual security and similar problems – have often been criticised with regard to the vulnerability of many protection seekers (cf. Aumüller et al. 2015). In the meantime, however, the situation has eased considerably. In the second half of 2016, half of all protection seekers who had arrived from 2013 onwards were accommodated in shared accommodation, the other half in individual accommodation. Of the former, around one-fifth lived in shared accommodation of a temporary nature (Baier/Siegert 2018). In 2018, on the other hand, three-quarters of those seeking protection were already living in private accommodation (Tanis 2020), and significantly more often in urban than in rural areas. However, there are considerable differences between the federal states: Particularly in the city-states of Berlin, Hamburg and Bremen, where the housing markets are tight, shared accommodation increased sharply as a result of the high immigration figures in 2015 (own calculations based on the IAB-BAMF-SOEP survey of refugees 2018). The protection seekers themselves acknowledged the security of the accommodation but were especially critical of the often poor connections to public infrastructure. The satisfaction level with accommodation is much higher in individual accommodation than in shared accommodation (Baier/Siegert 2018; Tanis 2020).

42 The statistics of the Federal Employment Agency divide the requirement level of occupational activities into the four categories of helpers, skilled workers, specialists and experts.

- ▶ The right to **healthcare** is limited for asylum seekers in the first 18 months of stay as per Section 4 of the German Social Welfare Act for Asylum Seekers. The treatment of acute illnesses and pain conditions, care during pregnancy and childbirth, and vaccinations are covered in accordance with Social Code XII. The implementation of this regulation differs between the municipalities, in some cases considerably (cf. Chapter 4.6).
- ▶ Finally, progress is also evident in **societal and social integration** over time (cf. Chapter 4.4). In the second half of 2017, for example, a good half of protection seekers stated that they spent time with Germans several times a week or every day, often also in private contexts. Around one-fifth, however, had no contact with Germans at all at that time. Over time, the frequency of contact has increased. Above all, integration into work and education promotes social contact with the German population. However, some of the protection seekers also report a feeling of social isolation (Siegert 2019).

In many areas, therefore, the integration of protection seekers is showing signs of success, which can also be attributed to the diverse efforts and investments of the municipalities, the states, the social partners and the many stakeholders in civil society and business, as well as nationwide programmes. Nevertheless, some significant problems continue to persist: A large proportion of those seeking protection are still not integrated into the labour market, and the potential for acquiring German language skills and integration into the education system is also far from exhausted. In January 2020, i.e. before the outbreak of the COVID-19 pandemic, around half of the employable population and 58 per cent of the total population from the most important countries of origin of asylum seekers were still dependent on basic social security benefits under Social Code Book II (BA-Statistical service 2020). The particular integration policy challenges with regard to protection seekers are also presented in Chapter 4.

## 2.4 Demographic and socio-economic change

### 2.4.1 Demographic change

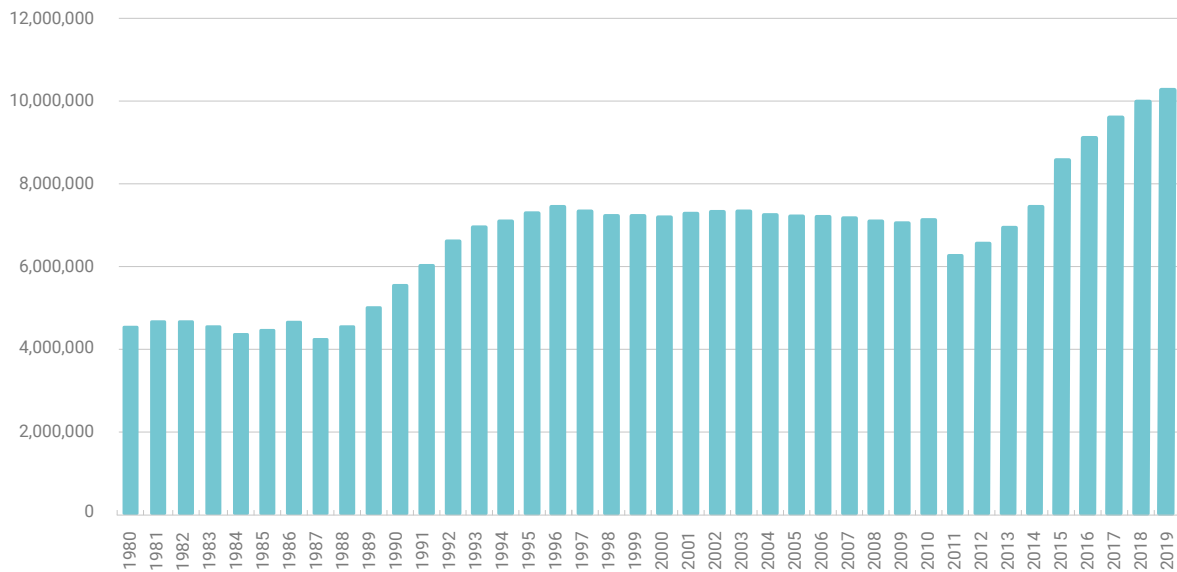
All over the world, birth rates are falling and life expectancy is rising. However, this trend began much earlier in Germany and other EU member states than was the case in other regions of the world. The long-term trend in Germany can be described as “older, fewer, more diverse”: Germany’s population is ageing, growing smaller and becoming increasingly heterogeneous in terms of the origin of the country’s inhabitants.

Migration has had a significant impact on the demographic structure of the population in Germany in recent decades. For a long time, this change could only be described with the concept of the “foreign population” – i.e. the number of people living in Germany without German nationality (including stateless persons). This number rose from just over half a million people (506,000) in 1951 to around 10.4 million by the end of 2019.<sup>43</sup> The share of the foreign population among the total population of Germany increased from 1 to 12 per cent in the same period. Figure 6 shows the development between 1980 and 2019. The significant decline between 2010 and 2012 is due to the fact that the population figure was corrected by the 2011 census. The subsequent increase from a good six million to over 10 million people with foreign nationality by 2019 was mainly due to the high level of immigration from the new EU member states, forced migration and subsequent family reunifications.

Owing to the high number of immigrating ethnic German re-settlers and the increase in naturalisations, the migrant population in Germany is only inadequately covered by the concept of nationality. The concept of “migration background” introduced in the 2005 micro census made it possible for the first time to depict all persons born abroad and their descendants in Germany (cf. Chapter 5.8). Even if the allocation of individual groups to the population “with a migration background” is sometimes questionable, the figures illustrate not least how strongly immigrants and their descendants now shape the Federal Republic. Overall, according to the previous definition of the Federal Statisti-

43 The values specified were taken from the update of the population census by means of the municipal population register because it is only possible with these numbers to correlate the values to the German population. The update of the population census is currently based on the results of the 2011 census. It was found out in the course of this first pan-German census since reunification that approximately 80.2 million people lived in Germany on 9 May 2011, of which close to 6.2 million were foreign nationals. That was 1.1 million foreigners less than previously assumed (cf. DESTATIS 2013). – There are also current numbers from the Central Register for Foreign Nationals (AZR) for the foreign population. These figures were collected by a different system than the resident register data, though they allow a greater differentiation under some points (including residency status). According to the AZR, there were around 11.2 million foreigners living in Germany at the end of 2019. Of these, 46 per cent were women and 13 per cent had been born in Germany (DESTATIS 2020d).

Fig. 6: Development of the foreign population in Germany, 1980–2019.

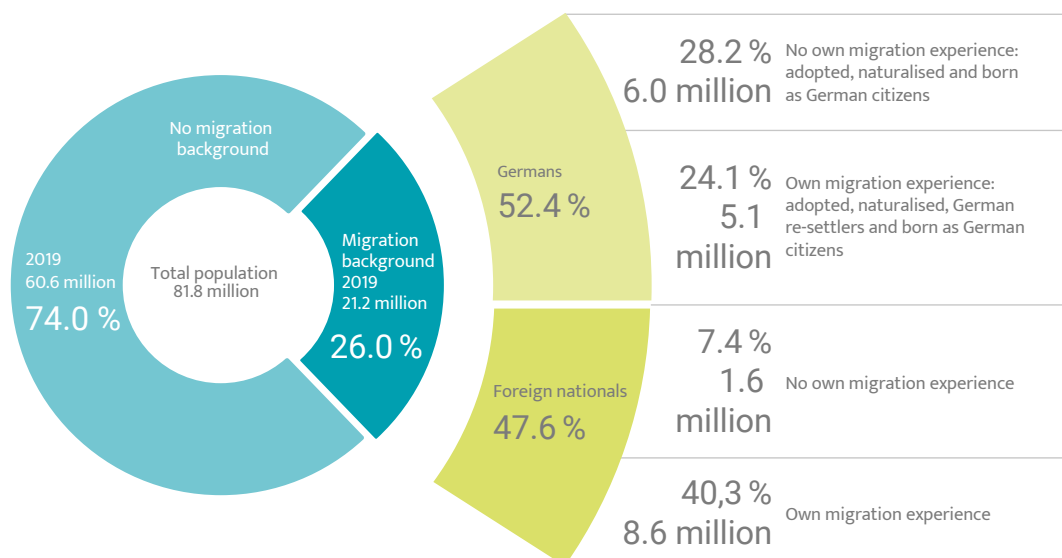


Source: BMI/BAMF 2020 and GENESIS Online (data for 2019), own illustration. The figures before 1991 only refer to West Germany.

cal Office, 26 per cent of the population in German private households had a migration background in 2019. The proportion is even higher among the younger age groups: Among children under the age of ten in Germany, it was 40 per cent in 2019, and among those up to the age of 45, it is still above one-third (DESTATIS 2020a).

Figure 7 shows how the population with a migration background is structured in terms of migration experience and nationality: Overall, 13.7 million people (64 per cent) had an “own migration experience” in 2019 – i.e. they corresponded to the internationally used definition of the “foreign-born population”. 7.6 million (36 per cent) had a

Fig. 7: The population of Germany by migration background, 2019.



Source: Federal Statistical Office, micro census (taken from BMI/BAMF 2021)

migration background but no “own migration experience”. More than half (52 per cent) of the persons with a migration background were German nationals; the majority of them had been born in Germany. Foreign nationals, on the other hand, were significantly more likely to have migrated themselves. Among the groups of ethnic German re-settlers, which is a category specific to Germany, only the people who had immigrated, and their family members (spouses as well as children), were identified in the micro census – i.e. not their descendants born in Germany.

If we compare the age and gender structure of the population with and without a migration background in Germany, then it is clear that the latter is clearly older on an average (47.3 vs. 35.6 years) and the proportion of women is a bit higher (51 vs. 49 per cent). Due primarily to the age structure, the data on marital status also differs: Persons with a migration background are more often single (48 vs. 39 per cent) and less often married (43 vs. 46 per cent) or widowed or divorced (9 vs. 15 per cent). In addition, more than 95 per cent of these people live in the former territory of the Federal Republic of Germany, including Berlin, compared to only 81 per cent of persons without a migration background, and more often in urban regions (60 vs. 44 per cent; all data from DESTATIS 2020a).

The weight of the population with a migration background is expected to increase further in the course of demographic change. Within the OECD and the EU, Germany is one of the countries whose population is particularly affected by a demographic transformation due to low birth rates and increasing life expectancy. Thus, in a hypothetical scenario without migration, the labour force potential in Germany would decline by almost two-fifths by 2060 (Fuchs et al. 2017; 2019). In addition, the population is developing very unevenly from region to region: Rural regions are particularly affected by migration and ageing processes, some of which are also gender-specific (Berlin Institute 2019; Henger/Oberst 2019; Salomo 2019), while economically prosperous cities attract domestic and international migration and increase their population. This results in enormous infrastructural challenges, for example in terms of housing, transport and the necessary facilities for education and healthcare. “In the countryside”, on the other hand, such infrastructures can no longer be maintained in some cases.

These trends should be considered as largely valid for the next few decades because most of the cohorts are already born and the fertility and mortality rates in Germany are rather stable. For example, the Federal Statistical Office, on the basis of its 14th coordinated population projection presented in June 2019 (DESTATIS 2019d; 2019e), comes to the conclusion that “a decline in the working-age popula-

tion and an increase in the number of senior citizens are predicted by the current age structure over the next 20 years [...] These processes cannot be halted despite a relatively broad range of assumptions on the future development of demographic influencing factors such as fertility, life expectancy and net immigration” (DESTATIS 2019d). It is predicted that the working-age population (between 20 and 66 years) of 51.8 million people (2018) will shrink by 4 to 6 million people by 2035. At the same time, Germany is expected to have 5 to 6 million more people aged 67 and over by 2039 than in 2018, when their number was 15.9 million.

Since birth rates and net immigration have increased in recent years, the total population will initially continue to rise until at least 2024, but will then decline from 2040 at the latest. Regional differences will continue to increase. For example, it is predicted for the period up until 2060 that the number of persons of working age will decline by 16 per cent in the western German states and by 30 per cent in the eastern German states, but only by 4 per cent in the city-states (ibid.).

According to the scenarios of Fuchs et al. (2017; 2019), Germany needs a net immigration of 400,000 persons annually so that the labour force potential – i.e. the supply of workers available to the labour market – can remain constant. The higher labour force participation of women and older people, as well as an increase in the retirement age to 67, was considered in this calculation. However, even with a constant labour force potential, the old-age dependency ratio – defined here as the ratio of persons no longer in employment to the labour force potential – would rise significantly due to increasing life expectancy. Since the migrant population is also ageing, the old-age dependency ratio can hardly be kept constant by migration under realistic assumptions; however, such migration can significantly mitigate the increase.

As per capita incomes in the EU member states increasingly converge and migration potentials are exhausted, immigration from these states will also decrease significantly. The net migration necessary to maintain the labour force potential would thus increasingly have to come from third countries (Fuchs et al. 2019, pp. 11 and 13).

## 2.4.2 Socio-economic change

As Chapter 2.2 has shown, the legal and institutional conditions and the economic preconditions for migration and integration have changed considerably in recent decades: The eastward enlargement of the European Union and the associated free movement of workers has opened up an

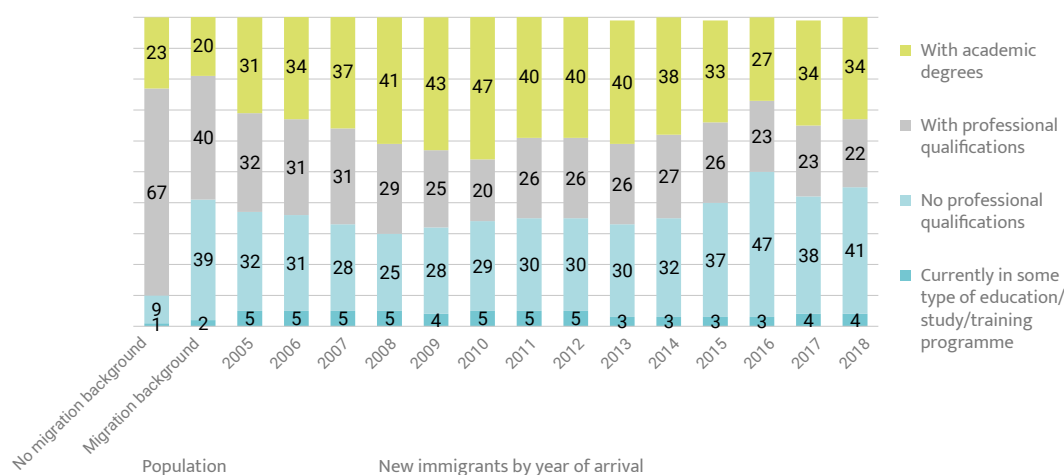
economic area of more than 100 million people to migration; the uneven economic consequences of the financial crisis have encouraged a redirection of migration flows to Germany; the favourable economic development since 2005 has made Germany a more attractive migration destination worldwide; and events in the Middle East, Afghanistan and the Horn of Africa, combined with European and German asylum policies, have increased forced migration. At the same time, various reforms and programmes have improved opportunities for participation in the labour market, the education system and other areas of society over the last two decades.

The changes in the legal and institutional conditions and the economic preconditions are reflected in the composition of the countries of origin and in the social and economic structure of the migrant population in Germany. Until 1989, large parts of the foreign resident population still had little schooling, no completed vocational or higher education and poor employment opportunities. Since the beginning of the 2000s, on the other hand, the immigrant groups have been characterised by a polarised qualification structure and significantly higher employment rates.

For example, among recent immigrants<sup>44</sup> there are significantly higher proportions of people with academic degrees than is the case among the population without an immigrant background living in Germany, but also higher proportions of people without completed vocational training (cf. Liebau/Romiti 2014; Brücker/Seibert/Wapler 2017; Seibert/Wapler 2020). Among those aged 25 and over who moved to Germany after 2004, the proportion of those with academic qualifications varies between 31 and 47 per cent, depending on the year of arrival; only in 2015, when forced migration rose sharply, did it decline to 27 per cent. Overall, the proportion of academics among recent immigrants is thus significantly higher than the average for the population without a migration background (23 per cent). However, it must be taken into account that the results are only comparable to a limited extent due to the different age structure (Fig. 8).<sup>45</sup>

At the same time, the above-average proportions of academics among newly immigrated persons are also contrasted by high proportions of persons without vocational or higher education qualifications. Before the sharp increase in forced migration, this share was around one-third; since then it has been over two-fifths.<sup>46</sup> For the population without a migration background, on the other hand, it amounts to

Fig. 8: Vocational qualification and university degrees of the population with and without a migration background and new migrants 2005–2018 (proportions in per cent)



Note: The proportions are with reference to people above the age of 25; the two columns on the left (people with or without a migration background) show the averages for the years 2012 to 2018. Source: Micro census; see Seibert/Wapler 2020.

44 New immigrants are understood here as people who have moved to Germany since the mid-1990s.

45 See Brücker 2012 for a comparison by age cohorts.

46 Some of the people seeking protection were only surveyed in the micro census after a delay; accordingly, the immigration years 2016 and 2017 are still strongly influenced by forced migration.

just under one-tenth (Fig. 8). There are many reasons for this. One of the most important is probably that many countries of origin do not have a vocational education and training system comparable to that in Germany. An important finding of empirical research is that many migrants who move to Germany as adults acquire further qualifications. So, among those who arrived since 1995, 28 per cent have completed yet another vocational training or a university degree or were still pursuing education and a training in Germany until 2013. The proportion of people who arrived without completed vocational training is 35 per cent (Liebau/Romiti 2014).

Among nationals of the new member states of the EU, employment rates are clearly higher than is the case with the classic countries of “foreign worker recruitment”; conversely, the rates of unemployment and benefit receipt are clearly lower. The employment rates have risen considerably since the introduction of the freedom of movement of employees: by 17 percentage points among the nationals of countries of the first round of eastward expansion and by 32 percentage points among Bulgarian and Romanian nationals. Today these rates are clearly higher than the employment rates of nationals of “foreign worker recruitment” EU countries (Greece, Italy, Spain and Portugal).<sup>47</sup> However, many recent immigrants are also employed below their professional qualifications and earn less than the population without a migrant background (Seibert/Wapler 2020).

## 2.5 Global migration trends and their consequences for integration

As the previous sections of this chapter show, the structures and patterns of migration and integration in Germany have changed considerably in recent decades. On the one hand, this change can be traced back to political and institutional changes such as the “recruitment of foreign workers” and the recruitment ban of 1973, the fall of the Iron Curtain, the eastward expansion of the EU, the introduction of the free movement of workers and the various reforms of immigration and integration legislation since 2005; on the other hand, it can be traced back to demographic, economic and technological changes. These trends will continue in future and change the framework conditions for migration, integration and participation in Germany even further.

### 2.5.1 Global trends

The migrant population – defined as those people who do not live in their country of birth – has grown worldwide:

from 153 million in 1990 to 272 million in 2019. In contrast, their share of the world’s population has grown much more slowly over this period, from 2.9 to 3.6 per cent (UN Population Division 2019a). However, migrant populations have not developed in the same way in all regions of the world. In the high-income countries as a whole, their numbers rose from 78 million people to 176 million over the aforementioned period – an increase from 7.5 to 14 per cent of the total population. In the average for the Western European countries, the share rose from 9.5 to 15.6 per cent, in Germany from 7.5 to 15.5 per cent (ibid.). At the same time, the qualification level of the foreign-born population has also risen significantly in the OECD countries (Boeri et al. 2012; Docquier/Rapoport 2012).

Behind these developments is a series of demographic, socio-economic and technological trends that will continue and in some cases intensify in future:

■ **Disparity of demographic change:** Birth rates are declining worldwide and life expectancy is increasing. However, the change is not occurring everywhere at the same time: In most regions of the world, the population as a whole and especially the young and mobile cohorts will continue to grow in the medium term. In Europe and Germany, on the other hand, the share of younger cohorts in the population is declining due to low birth rates, and in the long term the total population will also decrease. For the long term, different scenarios can be envisioned on a global scale. The most likely scenario is one in which the global level of education continues to rise, although differences between the various regions of the world persist, and at the same time the rates of fertility, mortality and infant mortality fall globally. As a result, world population growth would also gradually decline, so that by the end of this century the size of the global population would have decreased (Lutz et al. 2017; 2018).

Another conceivable but not necessarily realistic scenario would be one in which the Millennium Development Goals of the United Nations are achieved. In this case, the education level would rise even more substantially and population growth would decline sooner. Conversely, the scenario of a highly fragmented world can also be envisaged, in which disparity increases, the level of education remains constant and population growth continues in the long term (ibid.). However, it is certain that as a result of demographic change, the share of the global population accounted for by Europe and other high-income countries will decrease, while that of other

47 Own evaluations based on BA employment statistics. Cf. Brücker/Hauptmann/Vallizadeh 2020 for ongoing reporting.

regions will increase. So, according to the average population projection of the United Nations, the population of Europe will decrease by 11 per cent up to 2060; on the other hand, population will grow by 14 per cent in Asia, by 54 per cent in the Middle East and by 128 per cent in the African countries south of the Sahara (UN Population Division 2019b).

This disparity in demographic change creates significant incentives to migrate: Societies in which the labour force potential is shrinking and an increasingly large proportion of the population is no longer of working age can gain from labour immigration, provided they succeed in integrating immigrants into the labour market (see below and Chapter 4.3). Migration, in turn, is economically very appealing for the populations in the countries of origin. Moreover, the disparity in demographic change will influence migration in other ways: The makeup of the countries of origin will adjust at least in part, even if it does not shift proportionally to the share of the global population accounted for by the respective regions (Dao et al 2018).

- ▮ **Rising level of education in the populations in the countries of origin and among migrants:** The level of education and professional qualifications of the population has risen significantly in all regions of the world in recent decades, albeit at different rates (World Bank 2020). Although the further development of global education levels depends on many economic, social and political factors, it is very likely that this trend will continue in future. For example, the proportion of people with tertiary education, i. e. with a university degree or completed vocational training, could rise from 11 per cent of the world's population in 2010 to 20 per cent by 2050, while the proportion of those without formal schooling will fall from 10 to 5 per cent over the same period (see the central scenario by Lutz et al. 2018). Such an increase in the level of education in the countries of origin will have a particular impact on the migrant population because the highly educated groups are more mobile than average (see above). For example, in the countries of origin of migration to OECD countries, the proportion of migrants among those with a university degree is three to four times higher than among those without a university degree (Biavaschi et al. 2020; Boeri et al. 2012; Docquier/Rapoport 2012). Thus, assuming a constant migration policy, as the educational level of the global population rises, the share of immigrants with a university degree worldwide will increase from 29 per cent in 2010 to 34 per cent by 2050, and even to 70 per cent by 2100 (Dao et al. 2018). By contrast, under the pessimistic assumption that global education levels remain largely constant and become highly polarised

between the different regions of the world, the share of university graduates in the migrant population would remain constant (*ibid.*).

The global increase in educational attainment has differing effects on the scale of migration: On the one hand, the share of migrants in the global population increases because the highly educated groups are much more mobile. Thus, in the central scenario of Lutz et al. (2017; 2018), it could rise from 3.1 per cent in 2010 to 4.5 per cent by 2050, while it would remain roughly the same if the level of education remained constant. However, since population growth also declines significantly as the level of education rises, the two effects roughly balance each other out in absolute figures: The size of the migrant population in a scenario with rising education levels among the global population would not differ much in terms of numbers from that in a scenario with a constant level of education (Dao et al. 2018).

- ▮ **Convergence and divergence of per capita incomes:** It has been observed globally that per capita incomes (measured by per capita gross domestic product) display a trend of convergence. However, some regions of the world do not or rarely participate in this development, especially the African countries south of the Sahara (Docquier/Machado 2017). The increase in per capita incomes in the countries of origin has a differing effect on the scale and structure of migration: In the poorest regions of the world, emigration rates are much lower than in emerging economies with higher incomes. This is due to the limited financial resources of those willing to migrate, but also to institutional barriers that prevent migration. For example, between 2005 and 2010, only about 660,000 people per year left the African continent; in the comparatively richer countries of the Middle East, Asia and Latin America, emigration was much higher in absolute terms and as a proportion of the population (Sander et al. 2020). As per capita income increases, migration rates therefore also rise initially; they only begin to fall when per capita income further approaches the level of the destination countries and reaches a critical threshold (among others, cf. Clemens 2014). Owing to population growth, migration from African countries south of the Sahara will rise with a higher probability – but migration rates will remain much lower for the foreseeable period than in case of countries in the Middle East and Asia (Docquier/Machado 2017; Dao et al 2018). It can be considered certain that migration from the new member states of the EU to the Western European states and to Germany will decrease considerably because per capita incomes there are also levelling off and the proportion of young, mobile cohorts in the population is shrinking (Fuchs et al. 2019).

» **Uncertainty about forced migration:** The number of refugees and expellees worldwide increased from 30 million to over 70 million between 2010 and 2018. Approximately 25 million among them left their home countries (cf. Chapter 2.3). The proportion of this group among the global migrant population rose from approximately 5 per cent to close to 10 per cent during this period.<sup>48</sup> War, civil war, other violent conflicts and persecution cannot be predicted; the same applies to asylum and refugee policies. Thus, statements can at the most be made about current forced migration, not about its future development. However, past experience shows that even after the end of a war and displacement, often only a part of those seeking protection can or want to return to their home countries, and the longer they live in another country, the less likely they are to return. Even under the optimistic assumption that the violent conflicts in Syria, Iraq, Afghanistan and the countries in the Horn of Africa will end soon, it can thus be assumed that the size of the global refugee population will not return to the baseline levels of 2010. Moreover, given the situation in the countries of origin, it is much more likely that the refugee population will continue to grow, at least in the next few years. In addition, people who are not classified as in need of protection by the UNHCR or under European and national law will continue to use the asylum system to migrate to the EU and Germany.

» **Climate migration:** The consequences of global warming and rising sea levels may increase incentives or even pressures for migration. Climate researchers expect temperatures to rise by 1 to 4 degrees by the end of this century and sea levels to rise by 1 to 2 metres by 2050 (Rigaud et al. 2018). Both the climatic and economic consequences of this will be unevenly distributed, as they will mainly affect the poorer countries and island states and, within the mainly affected countries, primarily the rural regions (Dell et al. 2012; 2014; Desmet/Rossi-Hansberg 2015). Even if economic adjustment processes are taken into account, this development will significantly increase the inequality of life opportunities internationally, regionally and locally (Burzyński et al. 2018). This in turn could trigger considerable migration flows. For example, in a central scenario in which global warming increases by 2 degrees and sea levels rise by 1.1 metres, Burzyński and others (2018) expect migration to increase by around 100 million adults by the end of the century, and by around 200 million with children. Rigaud and others (2018) calculate an additional migration of up to 340 million people. However, 74 per cent of this will be accounted for by local migration move-

ments and a further 10 per cent by interregional migration movements within the affected countries. According to these simulation calculations, the migration population in the OECD will only grow by 5 per cent compared to a counter-factual scenario without climate change (ibid.). In international migration triggered by climate change, the proportion of those with a higher level of education will also be above average. Climate change will thus exacerbate global inequalities in this manner as well (Biavaschi and others 2020; Burzyński and others 2018).

» **Declining transport and communication costs:** Globally, the costs of transport and communication, for example for air transport and telecommunications, are also declining due to digitalisation. This also influences migration: While cars and trains were still the most important means of transport in the times of “foreign worker recruitment”, they have since been replaced by air travel. Measured in terms of passenger numbers and air miles, air traffic is growing much faster than gross world product – this was true at least before the outbreak of the COVID-19 pandemic. This has also changed the cost structures of migration: In the past, transport costs rose linearly with distance, but now they are dominated by an increasing share of fixed costs. As a result, the costs of a migration are to a lesser extent dependent on geographical distance and increasingly on the number of travellers or the size of the respective migrant community. For example, a flight from Warsaw to Frankfurt costs no more than a flight to London or Dublin; whether a place is 500 kilometres or 2,000 kilometres away plays only a minor role in this case. The cost of travelling much longer distances has also fallen significantly. The effective distance<sup>49</sup> – measured in terms of the duration and cost of the journey – between many places has thus decreased and is no longer measured as strongly as it used to be by geographical distance. It also decreases with the size of migrant communities in particular places. This in turn has a number of consequences for migration: Among other things, the spatial patterns of migration become more unstable. This increases the volatility of migration, i.e. migration movements between different regions and countries can adapt more quickly to changes in economic and institutional conditions. For example, as the UK and Ireland launched the freedom of movement for employees early on in the course of eastern expansion of EU, this contributed in steering migration from the new member states into these countries. Similarly, it was observed that the asymmetric effects of the financial crisis quickly diverted migration from the new EU member states to Germany.

48 Own calculations based on UNHCR 2019 and UN Population Division 2019a.

49 See Brockmann/Helbing 2013 for the concept of effective distance.



## 2.5.2 Consequences for Germany and Europe

The described global trends will also change the extent and structure of migration and thus the framework conditions for integration in the EU and Germany in the medium and long term:

- 】 The **scale of immigration** to the European Union and Germany will be influenced by population growth, rising education levels and income development in countries of origin and destination countries and will continue to increase. Thus, one of the basic assumptions about future development is that the share of the foreign-born population in the old member states of the EU – including Germany – will increase from the current 16 to 17 per cent to 22 to 25 per cent by 2050 (Dao et al. 2018). If the children of the foreign-born population are also taken into account, the proportion of the population with their own or a family migration experience in Germany will rise from the current 26 per cent to around 35 per cent. This is true if one assumes a non-varying migration policy and is also largely independent of whether the level of education globally increases significantly or not (see above). Such scenarios should be interpreted with great caution and should not be understood as a forecast, as they are based on many assumptions. However, they roughly outline the orders of magnitude of the expected development.
- 】 The **countries of origin of migration** will shift and become more diverse. Migration within the European internal market will continue to decline, especially from the new to the old EU member states, because per capita incomes are increasingly converging and the migration potential of young cohorts in the countries of origin who are willing to migrate has been exhausted (Fuchs et al. 2019). In contrast, immigration from third countries is expected to increase. Considering various factors affecting the mobility of the population, it is to be assumed for Germany that immigration from the Middle East and Asia in particular will rise, and to some extent, from Africa as well. At the same time, migration over longer distances is increasing, also because transport and communication costs are falling. As a result, the countries of origin are becoming more diverse: In 1991, i.e. after German reunification, slightly more than half of the foreign population in Germany still consisted of nationals from the three most important countries of origin for migration, and just under two-thirds were from the five most important countries of origin. In 2018, the combined share of the three most important countries of origin was still 29 per cent of total immigration to Germany, while that of the five most important countries of origin was about 40 per cent.<sup>50</sup>
- 】 With the increasing diversity of the countries of origin, the **migration population** is also becoming **more heterogeneous** in all areas that play a role in integration and social coexistence: Education and training, socio-economic status, and cultural, religious and political orientations. This can, but need not, be associated with an increase in social conflict. In any case, migration patterns as a whole will gradually cease to be dominated by individual migrant groups.
- 】 At the same time, the **volatility of migration** with regard to the composition of the countries of origin is likely to increase over time. This was exemplified by the financial crisis, which affected the countries in the Eurozone differently and diverted migration flows to Germany. Similar processes could set in if EU member states and other high-income countries recover from the COVID-19 pandemic at different rates. For Germany, as the most important European destination country for migration, this volatility of migration processes is likely to be particularly important.
- 】 As transport and communication costs fall, the **portion of temporary migration** is also likely to rise. An increasing number of people spend longer periods of time abroad in the course of their lives, often in different countries. After the financial crisis, for example, the proportion of newly arrived persons in Germany who had previously stayed abroad for a relatively long period of time rose from 20 to 40 per cent (Brücker 2015). This does not rule out the possibility that the majority of the migrant population will continue to stay longer in Germany and other destination countries in future. However, there will be more people with shorter and possibly several migration episodes in their lives.
- 】 Germany is more affected than most other countries in the EU and the OECD by **demographic change**, i.e. by the consequences of declining birth rates and increasing life expectancy (cf. Chapter 2.4). Therefore, under the assumptions outlined above, migration will therefore contribute significantly to rejuvenating the population and increasing labour force potential. However, it can only mitigate demographic change. In principle, migration on the scale outlined here brings considerable potential gains for the national economy, public finances and social security systems. However, in addition to the age

50 Own calculations based on DESTATIS 1992 and 2019c.

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structure of migrants, these gains depend on whether and to what extent migrants are successfully integrated into the labour market (cf. Chapter 4.3).

- ▶ Assuming that the average qualification level in the world population continues to rise, the **education level of the migrant population** in Germany will also continue to increase in the medium and long term. This trend has already become apparent since the qualification structure of new immigrants was included in the 2005 micro census, and it is likely to intensify (Chapter 2.4). However, a polarised qualification structure can also be assumed in the future, i. e. above-average proportions of persons with academic degrees will continue to be contrasted by high proportions of persons without completed vocational training.
- ▶ The polarisation of the qualification structure could reinforce the tendency that **earnings and employment opportunities are unequally distributed**. In the years since 2012, a polarisation of the job structure has become apparent in the German labour market: Employment at the lower and upper end of the requirement spectrum has increased equally, i. e. unskilled labour jobs on the one hand and expert and specialist jobs on the other. Obviously, there was also great demand for unskilled workers during the last economic upswing. At the same time, earnings are increasingly unevenly distributed and workers who have not completed vocational training have an above-average risk of losing their jobs. If migration increases labour supply at both ends of the qualification spectrum, this could exacerbate inequalities.
- ▶ The **regional imbalances** triggered by demographic change will be further aggravated by migration. Migrants predominantly, although not exclusively, live in large cities and other areas with a high population density. There are numerous economic and social arguments in favour of this; for example, in these areas there are more diversified labour markets, more social networks and greater social diversity (cf. Chapter 4.8). This can reduce the economic and social costs of integration, even if it can, for example, also impair language acquisition. At the same time, it supports spatial concentration and agglomeration in Germany and other migration destination countries; on the one hand, this can increase efficiency and income from a macroeconomic perspective, but on the other hand it can reinforce the urban-rural divide.

These trends change the framework conditions for integration in Germany. They do not necessarily make integration more difficult, but they do present a number of challenges for integration policy.

## 2.6 Conclusions

As this chapter has shown, migration and integration policy in Germany and, at the same time, the social and economic structures of migration and the migrant population, have changed considerably in recent decades. Policy makers have gradually recognised since the time of “foreign worker recruitment” that Germany is among the most important immigration countries in the OECD – in absolute figures as well in terms of the percentage of migrants in the population. Germany has responded to this state of affairs with numerous reforms. These include the cautious openings of the labour market for workers from third countries, which were first undertaken in 2005 after the long years of the recruitment ban of 1973 and resulted in the Skilled Workers Immigration Act in 2019; the opening for migration for study and training purposes; the expansion of integration policy – for example by offering integration courses and other language programmes, as well as through the implementation of numerous reforms in education policy, labour market policy and social policy aimed at supporting integration. The freedom of movement for employees and people in general in the internal European market has also considerably changed the scope and structure of migration to Germany, especially since the accession of the new EU member states of Central and Eastern Europe. Parallel to this, migration policy has been increasingly communitised, for example through the Highly Qualified Persons Directive (“EU Blue Card”) and the Common European Asylum System.

The qualification structure of the migrant population in Germany is still very much shaped by the policy of “foreign worker recruitment” that remained in place until 1973, as well as the subsequent family reunifications. After the fall of the Iron Curtain, however, this structure increasingly changed. The group of new immigrants is now marked by a polarisation at the upper and lower end of the qualification spectrum: Above-average proportions of persons with academic degrees are likewise contrasted by above-average proportions of persons without completed vocational training. The opportunities for social and economic participation are also very unequal. On average, employment rates are lower and unemployment higher among immigrants, although their labour force participation has risen significantly in the recent upswing. This should, however, not overshadow the fact that the average social and economic risks for immigrants and their descendants in Germany are still higher than for the rest of the population.

Public and societal debates on migration have been heavily dominated by the topic of forced migration in recent years, although less than one-third of the growth in the

foreign population in this decade is due to the influx of people seeking protection. Taking in protection seekers is essentially a humanitarian issue, not an economic one. However, the scope for action for an asylum policy oriented towards humanitarian principles also depends on how well the integration of protection seekers succeeds. Integration policy in this field always faces a dilemma (cf. Chapter 3.9): On the one hand, it should not create incentives for the influx of persons without a need for protection; on the other hand, it must ensure the integration of persons living in Germany with legitimate, legally recognised claims for protection. For those seeking protection in Germany, the conditions for integration into the labour market, the education system and other areas of society are less favourable than for other migrant groups for various reasons. Nevertheless, the protection seekers who have immigrated since 2015 have been more successful overall in terms of labour market integration than, for example, those who were subject to forced migration in the 1990s. Integration policy – i.e. the wide range of integration courses and language programmes – and labour market policy have contributed substantially to this, but so have the great efforts of the municipalities and civil society. In the wake of the COVID-19 pandemic, however, significant setbacks can be expected here.

The scope and structures of migration to Germany will continue to change in future. Numerous factors will contribute to this: the disparity of demographic change, declining transport and communication costs, the global rise in education levels and the associated increase in mobility, the asymmetric consequences of climate change and, of course, migration and integration policies. In the long term, it is therefore to be expected that the volume of migration – in terms of the share of the global population, but also the share of the population in developed countries such as Germany – will tend to increase. At the same time, the structure of migration is changing in many dimensions: Migration from the member states of the EU will decrease and migration over longer geographical distances will increase. As a result, the countries of origin will continue to diversify, i.e. unlike in the past, individual countries and regions of origin will no longer dominate migration. As a result, the social and economic characteristics and the cultural orientations of migrants will also become more heterogeneous. Migrants' level of education will increase on average, but will continue to be heavily polarised. Last but not least, migration will increasingly influence the demographic structure in Germany. It is certain that the population will become more colourful and diverse and that migration will contribute significantly to the rejuvenation of the population. However, migration can only mitigate and not stop the fundamental trend of an ageing population, with an increasingly large propor-

tion that is no longer in the labour force. This is because life expectancy is also rising among the migrant population itself and fertility rates are becoming more similar to those of the rest of the population.

These developments offer opportunities, but they also entail risks. The opportunities include the economic and fiscal returns that migration promises under the conditions of demographic change, provided that immigrants can be successfully integrated into the labour market (cf. Chapter 4.3.2). Immigration and the increasing diversity of the population are also associated with opportunities for increased productivity and growth – and cultural diversity can be an asset for society. The risks include the fact that social and economic structures in the migrant population can further enhance the unequal distribution of life chances. In addition, social, cultural and political conflicts in society as a whole could increase and endanger cohesion (see Chapter 3 on the fields of conflict in the immigration society).

Such developments can be shaped by migration and integration policy, but not completely controlled. Nonetheless, immigration policy can influence the social and economic structures of the migrant population and thus the pre-conditions for integration, whereby it must always pursue various goals, including humanitarian ones. Integration policy faces the following challenges, among others, which are addressed in the chapters that follow:

- › counteracting the polarisation of structural participation opportunities and integration opportunities along with education policy, language development policy, labour market policy and health policy;
- › expanding infrastructure and housing markets and adapting them to the increased urbanisation caused by migration;
- › promoting opportunities for social participation and integration, especially at the local or municipal level;
- › promoting cohesion in the entire society, fighting racism and discrimination, and dealing with the conflicts and competition associated with migration and integration;
- › providing resources necessary for investment in integration and participation, and initiating reforms of the financial framework necessary for the same.

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## 3 Conflict areas in the immigration society and how they are perceived

### 3.1 Introduction

Immigration and integration developed into an important political issue in Germany after 1955, as described in Chapter 2. As part of Germany's post-war history, millions of immigrants contributed to economic reconstruction and an ethnically diverse society – and cultural diversity has taken shape as a result.

As is the case in all immigration countries, the field of migration and integration policy is also at the centre of controversial debate in Germany (see Chapter 5.2). Especially at a time when migration is increasing worldwide, a broad social consensus on the corresponding policy is indispensable. This involves welfare state cohesion, better integration opportunities for immigrants already living in the country, measures to make the country more attractive for skilled workers, and compliance with obligations regarding humanitarian immigration under international and European laws.

Globalisation, migration and increasing diversity are reshaping our society. We can have a direct influence on some factors and only a limited influence on many other factors (cf. detailed SVR 2018a). Historically and in an international comparison, the current situation is by no means unique, although Germany has risen in the ranking list of host countries for labour and asylum seekers. It is also not the first time in history that people are responding differently to changes. While a part of the population values plurality and the associated developments, another part is sceptical or even rejects them, and some even warn against the loss of own identity or a disintegration of society.

This chapter aims to shed light on the different perspectives in a discerning way and to critically scrutinise the respective interpretations. After an overview of attitudes towards migration and integration, the chapter focuses on the fields that spark many controversies: dealing with the

media, racism, right-wing populism, right-wing extremism, right-wing terrorism and hate crime, criminality, gender relations and conflicts relating to goals, religion and resources. The extent to which these controversies will be exacerbated by the economic slump owing to the COVID-19 pandemic cannot yet be foreseen.

In order to assess the current situation, it is helpful to realise that conflicts in an immigration society can be a manifestation of convergence. The sociologist Aladin El-Mafaalani argues that improved participation opportunities also strengthen the interaction between social groups that had hardly any points of contact in the past (2018, p. 81). In this process of growing together, conflicts are inevitable because existing positions, resources, values and privileges are called into question and have to be renegotiated (*ibid.*, p. 79; cf. Treibel 2015; 2017).

In order to deal constructively with such conflicts, it is therefore necessary on the one hand to recognise them and designate them as “normal”. On the other hand, when dealing with these conflicts and their often prominent placement in the media, it should not be forgotten that they are sometimes also an expression of how far along we have come on the path to more integration or equal participation.

There is another aspect that is important when dealing with social conflicts: In public debates, the impression is sometimes created that societal changes and related tensions are solely due to migration. However, migration is just one element in these changes, and frequently not the central one. For example, it is just one factor that reflects the heterogeneity in society. People differ in terms of their education, forms of family, urban or rural setting, gender, economic situation, political position and many other aspects; origin is only one aspect among many. Therefore, the demarcation lines run not just along the distinction of people with or without their own or a family migration

experiences. Relationships of belonging and acknowledgment based on nation, ethnicity or culture have started to shift, which also generates conflicts and friction.

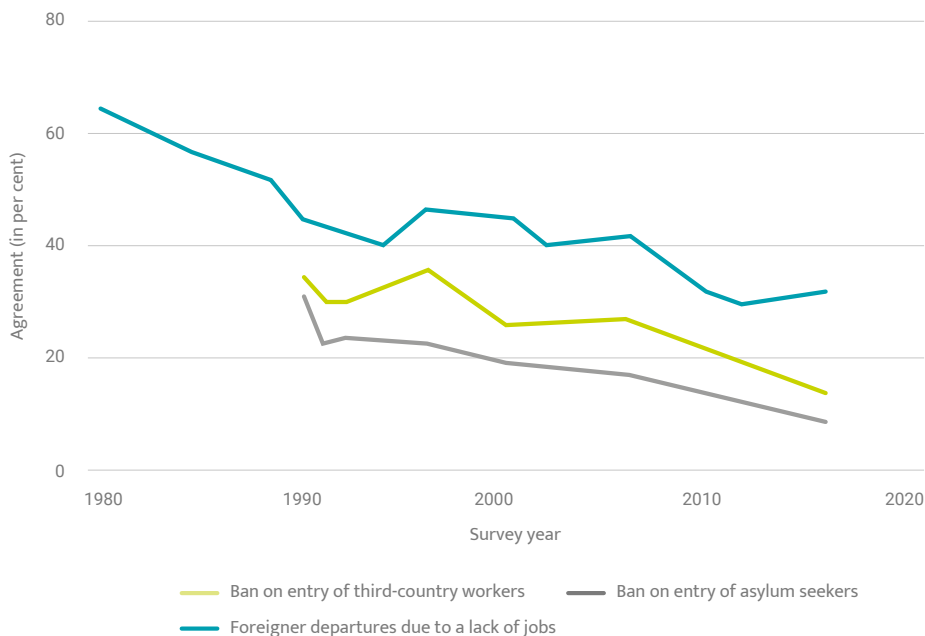
### 3.2 Attitudes towards migration

An important prerequisite for successful integration (cf. Chapter 5.3) is the willingness of both immigrants and the rest of the population to integrate. This section deals with the attitudes<sup>51</sup> of the population living in Germany towards migration and hence the question of how inclusive or exclusionary the social climate in Germany is regarding immigrants and their descendants. Two central trends are highlighted here: On the one hand, an increasingly positive, long-term view of migration has been evident in Germany since the 1980s – beyond short-term fluctuations. **Since then,**

**immigration to Germany appears to have been accepted as a normality by the majority of the population.** On the other hand, a polarisation of the political debate (cf. Chap. 3.3) and ambivalent attitudes are becoming more apparent: Migration and integration generate not only great acceptance but also great rejection, and attitudes differ significantly depending on the immigrant groups they are directed towards. In certain parts of society, negative attitudes give rise to racism (cf. Chapter 3.4), discrimination (cf. Chapter 4.5) and extremism (cf. Chapter 3.4.3) up to and including political violence (cf. Chapter 3.4.4). **Parts of the population are apparently still ambivalent on the issue of whether they accept the plurality that comes with immigration, and the equal participation of immigrants and their descendants.**<sup>52</sup>

Based on the General Population Survey of the Social Sciences (ALLBUS), a nationwide population survey that has

Fig. 9: Attitudes of rejection towards migration are decreasing among the population (proportions of respondents who support migration-rejecting statements).



Source: The figure is based on our own weighted analyses of ALLBUS Trend File 1980–2016, ZA4586\_v1. The attitudes towards migration were recorded as follows (in the ALLBUS and other surveys): “What is your attitude towards the influx of different groups of people to Germany? [...] And towards workers from non-EU countries – e.g. Turks? And towards asylum seekers?” The selection of the response option “The influx should be completely prevented” is interpreted as agreement with an immigration ban; the statements “The influx should be limited” and “The influx should be possible without restrictions” as a rejection of an immigration ban. For the statement “If jobs become scarce, foreigners living in Germany should be sent back to their home country”, the responses range from “do not agree at all” [1] to “fully agree” [7]; the responses [4] to [7] are taken as agreement. Whether respondents with their own or a family migration experience are included or excluded in the evaluations hardly influences the reported findings. The figure shows the findings excluding people with their own or a family migration experience.

51 The social psychological term for attitude describes the evaluation of an object as a certain degree of affinity or aversion (e.g. Eagly/Chaiken 1993). The object of attitude can be a group of immigrants in the area of migration, for example asylum seekers, or also a migration policy-related topic such as freedom of movement of employees.

52 The population in Germany naturally covers not just people without migration experience of their own or their family but also immigrants living in Germany and their descendants. Even in case of the latter, attitudes towards migration are not always positive; they are also very differentiated as shown by the recent studies (Mustafa/Richards 2019).

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been conducted for four decades, Figure 9 shows agreement regarding two selected questions on attitude, which address firstly the scope and secondly the sustainability of immigration.<sup>53</sup> Since the 1990s, ALLBUS has surveyed attitudes towards the immigration of various groups of people to Germany; Figure 9 focuses on the currently much discussed immigration from third countries and that of asylum seekers.

As recently as the early 1990s, one-third of the population agreed with the statement that the influx of labour from non-EU states or that of asylum seekers should be completely stopped; today, this figure is only about 10 per cent. Apart from that, the respondents in ALLBUS were asked to offer their opinion on the following statement: “If jobs become scarce, foreigners living in Germany should be sent back to their home countries.” While in the early 1980s two-thirds of the (West) German adult population were neutral towards or agreed with this statement, this proportion has since dropped by about half to 30 per cent. Thus, a growing majority of the population accepts permanent immigration to Germany (see Schnaudt/Weinhart 2017; McLaren/Paterson 2019). However, this trend is often overlooked due to the current rise in populism and extremism (cf. Chapter 3.4.3).

This general trend of increasingly positive attitudes towards migration conceals not only phased dips (e.g. Chichoki/Jakowski 2019; SVR 2018a; 2018b; MIDEM 2018), as among a minority of the population, relatively stable patterns of rejecting attitudes towards certain immigrant groups and minorities are also apparent, whereby some of these must be considered misanthropic. With regard to Muslims, Sinti and Roma and asylum seekers, such misanthropic attitudes have become further entrenched in recent years (Zick et al. 2019; Zick/Preuß 2019; Decker/Brähler 2018).

Numerous social-psychological studies over the last 70 years show that attitudes are not only based on factual information and one’s own experiences; those towards supposedly foreign ethnic or religious groups are also closely related to stereotypes and prejudices<sup>54</sup>. It should be pointed out that biases and stereotypes do not automatically translate into discriminatory behaviour towards minorities. Still, a substantial proportion of the population also approves of the fact that some persons (groups) are denied equal rights or opportunities for advancement (Foroutan et al. 2019), and this attitude can also promote discriminatory behaviour (cf. Chapter 4.5). Many studies

also show a robust connection between attitudes towards migration and, for example, prejudice or nationalist attitudes (Kinder/Kam 2009; Gorodzeisky/Semyonov 2016; for an overview of 100 empirical studies, see Hainmueller/Hopkins 2014). There is also a statistical correlation between misanthropic attitudes towards immigrants and general derogatory attitudes, for example in the form of sexism or homophobia (Zick et al 2019; Zick/Preuß 2019; Decker/Brähler 2018).

There are two other theories on the causes of positive or negative attitudes towards migration that are prominently discussed in the media; the results of research here are inconsistent, however. The first of these theories argues that competition, especially in the labour market, reinforces rejection of immigration (Pardos-Prado/Xena 2019). According to this theory, some sections of the population see immigrants as competitors for resources such as work and income, which in turn leads to rejection of migration. However, empirical studies to date do not present a clear picture in this regard (for an overview, see Hainmueller/Hopkins 2014). It is true that there is a rather solid finding that the rejection of immigration increases during an economic recession. However, it is rarely supported at the individual level: According to many studies, people who compete directly with immigrants on the basis of their qualifications or profession are not particularly hostile to migration (Markaki/Longhi 2013; Ortega/Polavieja 2009).

The second often cited theory is that high immigration numbers intensify the population’s rejection of migration. This too is not confirmed by empirical evidence (for an overview, see Pottie-Sherman/Wilkes 2017). This theory is contradicted, among other things, by the observation that it is precisely in regions with particularly high numbers of immigrants that approval of migration is relatively high (or pro-migration parties are strongly supported). This is often explained by the fact that more frequent contact between immigrants and natives reduces prejudices and makes immigrants seem less “foreign” (Allport 1954; for an overview of the so-called contact hypothesis, see Pettigrew/Tropp 2006; Wagner et al. 2008).

Some studies have established in repeated surveys that heavy regional immigration worsens attitudes towards migration (Chichoki/Jakowski 2019; Heath/Richards 2019; on Germany MIDEM 2019, p. 81 et seq.); however, other studies cannot confirm this correlation (Pettigrew/Tropp

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53 Similar analyses can be carried out, in part since the 1970s, with the Eurobarometer, the World Value Survey or the political barometer.

54 In the following, stereotypes are understood as generalised and often unjustified negative opinions about social or socially constructed groups and their characteristics, while prejudices are understood as preconceived, often negative, assessments of persons due to their supposed membership in certain social or socially constructed groups (e.g. Eagly/Chaiken 1993; Fiske 1998). Prejudices are thus, in the socio-psychological sense, attitudes towards persons that are often based on stereotypes.

2006; Oorschot 2007; Strabac/Listhaug 2008; Hjerm 2009; Hooghe/Vroome 2015). Hopkins (2010) combines these divergent findings and arguments on the basis of US data that rising immigration intensifies rejection of migration, especially in phases when political leaders and the media discuss the topic in a polarising manner. In the absence of such polarising discussions, the population did not respond with rejection in the same measure, according to the data examined (cf. MIDEM 2019 for this). The current state of research thus indicates that high or increasing immigration does not automatically reduce the acceptance of migration. Rather, the nature of the political and media discourse plays a major role here (Bohman 2011; cf. Chapter 3.3).

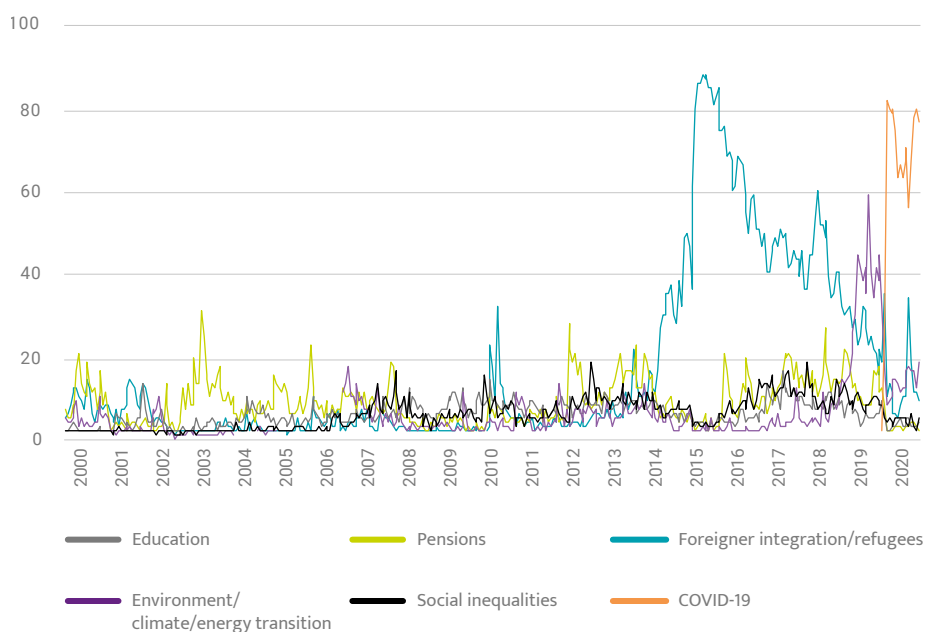
### 3.3 Migration and integration in the media<sup>55</sup>

***The media has an important function of informing and shaping opinion on the integration process. What they present about the topics of migration and integration and how they report on these can both negatively and positively influence the willingness to accept integration. The media can reinforce polarisation, but also contribute to objectification.***

Public discourses on the topics of migration and integration are often polarised, charged and sometimes highly dynamic. Whether it is about “the miracle of the German welcome culture” or the “flood of refugees”, about the origin of violent criminals or about a Nuremberg Christmas Angel whose father has Indian roots – the discussions are often emotional and not always fact-oriented, and the course of commentary quickly takes on a life of its own. This makes a balanced and objective discussion of this complex topic difficult.

The public media has been especially heavily attacked for its reporting on migration and integration over the last five years: Among other things, reports were accused of being biased or whitewashed. The term “lying press”, which was hardly used after the National Socialist era, has made a comeback through the chants at Pegida demonstrations (Vorländer et al. 2016; cf. Krüger 2018; Ludwig 2019 on the origin of the term). The criticism of the so-called established media by the right wing media was accompanied by a visible brutalisation of discourse in social media, which contributed significantly to the polarisation of the public (cf. Chapter 3.4.2). However, the media has been repeatedly criticised for its portrayal of migration-related issues in recent years from other political directions as well.

Fig. 10: Importance of the topic of migration and integration over time. Important problems in Germany since 2000 (maximum of two responses)



Source: Forschungsgruppe Wahlen (Electoral Research Group): Politbarometer (2000–2020)

55 The Expert Commission commissioned two expert reports on the topic of the media (Haller 2019a, 2019b). The statements in this section are partly based on the results of these expert reports.

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The media played a major role in ensuring that the topic of migration and integration had a high salience in Germany, but also in the other EU member states; especially after the strong forced migration in 2015 and 2016, it was given great importance in surveys (MIDEM 2018; 2019; Dennison/Geddes 2019). Indeed, it was the dominant issue for a long time, eclipsing everything else. Although it has again lost importance by now, it is still ranked among the most important topics (cf. Fig. 10).

The way the media deals with the issue, how it presents and interprets it, is therefore all the more important. In order to take a discerning look at this situation, it makes sense to first take a closer look at the interactions between media coverage, the climate of opinion and the willingness to integrate. Subsequently, the content of media coverage is examined and the dynamics of certain discourses are discussed.

### 3.3.1 The formative role of the media

Although information and assessments about immigrants, their everyday lives and their origins are also exchanged in everyday interaction, the vast majority of such information and assessments are communicated through the media. Even migrants draw a lot of what they know about Germany and the local community from the media. Television, radio, print media, the Internet and social media shape their perceptions of the world; in this respect, it can be assumed that the information, images and content conveyed also influence attitudes and thus, for example, the climate of integration or the willingness to integrate on all sides. The research literature has no uniform opinion on how the complex correlation between media content and its effect should be accurately described empirically (Haller 2019a, p. 8f.; Weber-Menges 2005). However, in terms of the extent to which the media contribute to the formation of opinion through the provision of information and the presentation of different views, be it by generating, influencing or merely reinforcing attitudes – the only thing that is really certain is that the influence of the media can be both beneficial and destructive for social integration processes. This can only be determined in detail through empirical impact studies.

From the research on *Agenda Setting*, it is known that the frequency, scope and nature of presentation play a role in what people debate about and how important a topic is perceived to be (Weber-Menges 2005, p. 135). Moreover, the media structures (and influences) the social debates by means of images, escalations and headlines. Terms such as “foreign workers” and “welcome culture”, but also “economic refugees”, “wave of refugees” or “asylum tourism”,

convey messages, and stereotypes can also become entrenched through them. Therefore, decisions as to which terms and images are adopted in media reports are very significant. According to Haller (2019a, p. 16), the results of most studies indicate that first and foremost “balanced and diverse reporting, i. e. which determines the views and experiences of those who are to be integrated in the subject areas”, can contribute to an objective discussion and thus to positive effects in the formation of opinion.

### 3.3.2 Reporting content

Viewed over time, reporting on migration and integration before 2015 was significantly more differentiated than in the 1990s (cf. Haller 2019a, p. 16). Unlike *before*, the experiences and views of those who dealt with migration and integration were increasingly reported from a largely neutral and independent perspective at the time. At the time of the strong influx of protection seekers in autumn 2015, the media focused its reporting predominantly on the “welcoming culture”, but less on the perspectives of the protection seekers themselves, or those who cared for them on-site. In his analysis of media coverage, Haller (2017, p. 135) comes to the following conclusion with regard to commentary articles: “Until late autumn 2015, hardly any commentary addressed the concerns, fears and also resistance of a growing part of the population. If they did, it certainly was in a lecturing tone or (towards eastern German regions) even a contemptuous one. Hardly any commentary during the so-called peak period (August and September) attempted to differentiate between right-wing radicals, the politically insecure and concerned citizens who felt marginalised. Thus, the comments *grosso modo* did not serve the purpose of discussing different basic attitudes but rather of lending emphasis to one’s own convictions or the governmental political view.”

Towards the end of the second half of 2015, the tenor of the reporting changed. Initially, reporting had focused on the flight event and on the people who viewed those seeking protection with empathy: According to Haller’s (2019a) analysis, a growing number of political reports then emerged on disagreements and conflicts within the federal government and between the EU member states. The already emerging conflicts within the population had been overlooked – “those which entail social controversies if they are ignored or negated. This dimension was not explained to the non-immigrant population.” (ibid., p. 17). Instead of providing a platform for these socio-political controversies and addressing the specific changes in the everyday lives of people affected by migration, the information media often remained “focused on the political elites and their petty feuds” (ibid.).



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Following the events on New Year's Eve in Cologne in 2015-2016, the interpretation framework for migration activity changed drastically. According to Haller, some studies see these changes as a "recovery of the critical distance as compared to the refugee policy of the government and the 'welcoming culture' narrative", while others interpret it as "relapses into the rather xenophobic mode of earlier decades" (ibid.).

This change also affected the way immigrants were reported on. In addition to distanced reporting in which different views and positions were presented and discussed, problematic tendencies could now also be observed – for example, these people often appeared only as objects and rarely as stakeholders or speakers (Fengler/Kreutler 2020, p. 55f.). Analyses of the images used also show that immigrants were not infrequently depicted as "masses" or as an anonymous and foreign group (Haller 2019a, p. 17). In this context, the topic of migration and integration was often illustrated with women wearing head scarves, as if these represented a large proportion of immigrants and their descendants. In addition, reports on terror and violence were sometimes accompanied by images of mosques and head scarves, which according to Schiffer (2014, p. 3) suggests a certain connection.

Furthermore, immigrants and those seeking protection appeared more often than not in the news as perpetrators of violence. A long-term study that examined television programmes and newspaper articles about violent crimes also came to this conclusion (Hestermann 2019). While the origin of the suspects practically did not matter in the news before 2014, "more than one-third of all television reports in 2019 about migrants living in Germany were about suspected violent criminals" (ibid., p. 2). For every German person suspected of committing a crime, there were eight suspects of non-German nationality; in the print media studied, there were as many as fourteen. This in no way corresponds to the actual ratio of Germans and non-Germans in the police crime statistics and other statistics (cf. Chap. 3.5). In newspaper reports in 2019, foreign suspects were even mentioned 32 times more often than what corresponded to their statistical share in police crime statistics (Hestermann 2019, p. 6).<sup>56</sup> In order to avoid the accusation that the media is concealing or downplaying integration problems, a growing number of articles on violent crime in recent years have also mentioned the origin of the suspects – predominantly when it comes to immigrants and their descendants.

### 3.3.3 Hate speech and public opinion in user comments

In this era of user comments, social media networks and search engines, the traditional media is no longer the sole determinant of the public image of migration and integration. Since every Internet user and every organisation can prepare and share their own websites and articles, traditional journalism and editorial departments are increasingly losing their established "gatekeeper function" (cf. Lischka/Stöcker 2017, p. 18f.). How fast and broadly news spread is increasingly determined today by the frequency of clicks, filters in search engines, and their algorithms (ibid., p. 25f.). Particularly when it comes to the topics of migration, integration and flight, balanced and differentiated analyses rarely appear in the first hits in search queries; instead the top results are the much-cited polarising headlines that are primarily aimed at appealing to people emotionally. The tone of public discourse intensified with the spread of digital media (cf. Federal Government Commissioners 2019, p. 53; Stieglitz/Dang-Xuan 2012). The Internet also offers a platform for the spread of conspiracy theories and hate speech against dissenters and minorities (Shooman 2016; Wetzel 2011; 2017).

These days, a growing majority of people obtain their information from online media, and many younger people seek information on an exclusively online basis (Haller 2019b, p. 7f.). User comments are also used passively as well as actively, and more and more frequently. As websites try to assess the supposed interests of users on the basis of click habits and search history, and base their recommendations for them accordingly, there is a great danger that "filter bubbles" (Pariser 2011) will form in which one's own opinion is only confirmed but no longer challenged. In addition, certain dynamics develop in comment columns and discussion forums, which media science refers to as "echo chambers" and "spirals of silence" and which lead to an increasingly narrow spectrum of opinion in the course of commentary. Discussions on migration and integration take place in an agitated and sometimes aggressive manner. The often emotional articles also get emotional comments, and responses to differing perspectives and contradictions are polemic, sarcastic and spitefully derogatory. In a survey conducted by the Institute for Democracy and Civil Society in 2019, more than half of respondents stated that they hold back on their own political views for fear of being insulted online (Eckes et al. 2019, p. 22f.).

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56 In his explanation, Hestermann 2019 states in footnote 11: "The numerical ratio of German to foreign suspects in violent crimes according to the PKS 2018 was 2.27 (69.4 to 30.6 per cent); in newspaper reporting in 2019 the numerical ratio of foreigners to Germans was 14.2 (41.2 to 2.9 per cent), thus the factor of bias is around 32 (2.27 x 14.2)"

*Hate speech*, hatred on the Internet – the spreading of prejudices against social groups or individuals, aggressively and insultingly formulated comments and threats – thus not only creates insecurity, intimidates and is threatening and sometimes even dangerous for the addressees. It also restricts the diversity of opinion on the Internet. Many comment threads give their readers a distorted picture and often silence liberal and democratic-pluralistic voices (Haller 2019b).

The changed climate of opinion on the Internet also has an impact on traditional journalism. On the one hand, journalists themselves are increasingly being insulted and attacked online (Federal Government Commissioner 2019, p. 58). On the other hand, dealing with problematic comments on the Internet ties up immense resources for media companies and the operators of platforms – for example for identifying and forwarding expressions of opinion and content relevant under criminal law or for moderating and curating comment processes. Ideally, the latter is done through a mixture of netiquette, the suppression of uncivil posts and counter-speech tailored to the addressee group, which in the best case also comes from other users or initiatives. While the authorities concentrate on posts that are relevant under criminal law, the curators filter out many more posts – partly manually, partly automatically. Most media companies set internal guidelines for this, also because criminal law itself only offers points of reference.

### 3.3.4 Effects of hate on the web

It is not just the media companies that are learning. Those who post hate comments on the Internet are also changing their behaviour. Thus, phrasing is sometimes intentionally chosen in such a way that it will either be accepted or at least not clearly identified as uncivil by the professional curators. The increasing counter-commenting and criminal prosecution have also apparently led, for example, to right-wing extremists moving into closed groups and other forums, where they can still rarely be reached fully in the sense of echo chambers (cf. Haller 2019b, p. 16).

The latest research discusses whether and how the changed climate on the web also affects behaviour and communication in daily life (Kümpel/Rieger 2019). Indeed, radicalisation rarely takes place exclusively online (ibid.). However, social media can act as a door opener and amplifier if someone is already fostering ideas – simply because extremist and inhuman ideas are now freely available everywhere and at all times on the Internet. In addition, social media plays a key role in gaining new, primarily young members and organising and mobilising extremist groups.

Moreover, the hatred on the web also seems to have the effect that certain content and hostility towards certain groups are increasingly becoming “socially acceptable” again. If users read the heated comment columns and perceive them as the majority belief, their sensitivity to discriminatory remarks in daily life can decrease – and the inhibition threshold for them to comment in this manner themselves will also decrease.

### Recommendations

- The Expert Commission supports the efforts to consistently combat hate on the web that the federal government had previously undertaken. This includes, among other things, the Act for improvement of law enforcement in social networks (Act on Network Enforcement). In order to implement the corresponding measures, the investigating authorities must be better equipped and specially trained with regard to how to deal with victims, for example, and also be knowledgeable about extremism, racism and antisemitism.
- Contact points for victims of hate speech and attacks on the web, such as <https://no-hate-speech.de/de/Helpdesk>, should be supported and cooperation between them and security and law enforcement authorities should be expanded (cf. the recommendations of the cabinet committee in the federal government for fighting right-wing extremism and racism 2020c).
- Online media must invest in moderation and curation measures for respectful dealings in Internet forums. Training facilities should be made more aware of this and should support projects relating to moderation and curation as part of the education and training of journalists.
- Media companies should intensify their efforts to deal sensitively with certain types of images and terms within the framework of journalistic self-regulation. To this end, the topics of migration and integration should be more firmly anchored in journalistic training.
- Good moderation in discussion forums can help improve the communication climate in comment threads. It is also important for the media to report in a differentiated manner by avoiding one-sided and scandalising portrayals and the use of stereotypes – i.e. it should have a de-emotionalising effect and focus on facts.
- Especially in the field of migration and integration, information journalism that creates and moderates a discursive “public conversation” is indispensable. The prerequisite for this is balanced and diverse reporting.

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### 3.4 Racism, antiziganism, Islamophobia, antisemitism, right-wing populism, right-wing extremism, right-wing terrorism and hate crime

***Racism, antiziganism, Islamophobia, antisemitism and many other forms of group-focused misanthropic attitudes, right-wing populism, right-wing extremism, and right-wing terrorism are dangers to society and democracy. They threaten the free democratic order, which is based on human dignity and fundamental rights. They endanger the peaceful coexistence of people and condone, justify and perpetrate violence against individuals and entire population groups. The violence is especially expressed through hate crime.***

Racism in all its facets describes convictions and practices that are based on the systematic devaluation and marginalisation of certain groups among the population, as well as discrimination against them, whereby biologically or culturally construed characteristics and behaviours that cannot be changed and are supposedly inferior are attributed to these groups. Antisemitism, in turn, is characterised by the fact that it attaches great importance to conspiracy theories and myths. Jews are imagined as powerful masterminds striving for world domination. Right-wing populism as a political movement stigmatises certain groups of immigrants and their descendants as “foreigners” and seeks to exclude them. In doing so, it claims to directly represent the allegedly homogeneous wishes of a supposedly ethnically homogeneous people (in Germany: “Volk”) against a supposed “ruling elite”.

Right-wing extremism does the same. It is, however, shaped even more by ideology and justifications of violence. Added to this are ideas of authoritarian and dictatorial leadership and – the crucial feature – organised efforts to eliminate the liberal-democratic order by word and deed. Right-wing terrorism is a “planned violent act that is not meant to be isolated and which is committed by (partly) secretly acting individuals or groups with the goal [...], of generating fear and intimidation in a large number of people and/or influencing the decisions of political officials or social groups, without, for example, aiming for any personal gain in the process” (Virchow 2016, p. 8). Right-wing terrorism claims human lives; examples include the National Socialist Underground (NSU) murder series, the assassination of politician Walter Lübke in June 2019, the attempted attack at the synagogue in Halle in October 2019 and the racist murders in Hanau in February 2020. In other cases, such as the pipe bomb attack on a mosque in Dresden in September 2016 or the arson attack on a Roma family in Dellmensingen (Baden-Württemberg) in May 2019, it was only a coincidence that the victims remained unharmed.

The boundaries between right-wing populism, right-wing extremism and right-wing terrorism are fluid; this is evident in the networking of different groups and movements. In addition, they are increasingly developing an aggressive anti-migration and anti-integration stance, which unites them internally and links them to each other. Right-wing populism, right-wing extremism and right-wing terrorism differ, for example, with regard to the extent to which political goals should be enforced by violence, but they share discriminatory and racist as well as antisemitic and misanthropic convictions, and all reject the culturally diverse and open society.

Racism has a special meaning in the context of the phenomena discussed below, because it also occurs in society beyond right-wing extremist or populist ideologies, i.e. in perceptions and attitudes as well as in institutional and structural exclusion. While right-wing extremism, for example, does not exist without racism, the reverse is very much the case.

#### 3.4.1 Racism, antiziganism, Islamophobia and antisemitism

The attack in Hanau, the series of murders by the so-called NSU and the antisemitic attack in Halle have raised awareness in Germany that racism and antisemitism can be life-threatening for the groups affected by them. Of course, even under the threshold of such acts of violence, there are forms of everyday racism and antisemitism, which are revealed in regulations, routines, actions, and discriminatory ways of speaking (cf. Chapter 4.5). For many years there was the deceptive idea that racism and antisemitism were historical phenomena that had been overcome with the coming to terms with the crimes of National Socialism, and were currently only found on the extreme right-wing fringe of society. This culminated in the use of alternative terms such as “xenophobia” or “hostility towards foreigners”. The term racism, on the other hand, was frequently avoided or primarily referred to other societies that had in the past been characterised by slavery, colonialism, and apartheid, such as the USA, South Africa or Great Britain and France. In this way, Germany’s own colonial as well as non-colonial racist past was at the same time hidden and set in a relative context; it is only now slowly moving into the public consciousness (cf. Chapter 5.4). In contrast to other countries, research on racism has hardly been developed in Germany; it is not yet an established and well equipped field with funding, training and research traditions. International research on racism, on the other hand, agrees that the concept of “race”, even though it was tabooed in Europe as a result of the National Socialist crimes, has by no means lost its effectiveness (Rätzhel

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2000; Goldberg 1993). Its ideological content is now merely encoded through the use of other terms such as ethnicity, or even culture and religion (Shooman 2014). Racist ways of thinking and acting thus did not disappear after the end of the Second World War; the construct of “races” continues to have an implicit effect. This new “racism without races” (Hall 2000) has shifted from biological argumentation to culturally based racism: It claims an incompatibility or even a clash of self-contained cultures and infers from this an insurmountable difference between members of the different “cultural circles”. This view is reflected in particular in the phenomenon of Islamophobia. However, cultural-based argumentation patterns also find expression in antiziganism – racism against Sinti and Roma.

Historically, the beginnings of modern or modernised racism lie in the phase of decolonisation and immigration from the former colonies to the “old motherlands” (ibid.; Geulen 2007). Whereas previously in biological-based racism the “mixing of the races” was considered the cause of impending decline, cultural-based racism warns against a mixing of cultures because values and cultural achievements would be lost as a result. Actual or even merely alleged ethnic, cultural and even religious differences and characteristics are interpreted in today’s racist discourses as character properties and features of a group construed as homogeneous (“the Muslims”, “the Jews”, “the Africans”, “the Roma”, etc.) and constant in terms of its composition. This notion has found expression in the concept of “ethnopluralism” used by the neo-right and right-wing populist groups (cf. e.g. Fuchs/Middelhoff 2019). The ideological stance that nations and cultures should not mix and that one’s own culture should be kept “pure” from other influences amounts to a general rejection of immigration and the establishment of completely closed national borders.

There are numerous approaches to the scientific definition or determination of the term. One common feature is that they understand racism as a system of discourses and social, political and economic practices that operates with, or is connected to, racial constructions and that firstly makes inequality and hegemonic power relations effective and secondly makes them seem plausible (Melter/Mecheril 2009, p. 15f.). Thus, when an existing principle of equality collides with factual inequality in societies, racism is used to justify unequal treatment, with the aim or effect of creating hierarchies of groups on the basis of certain characteristics – which nowadays are no longer just physical but also cultural in nature (Zick 2020). It is thus intended, among other things, to legitimise the denial of access to material and symbolic resources to groups marked as “foreign”, and to thus grant an overall privilege to one’s own group (Hall 2000, p. 7). Racism thus regulates participation and belonging through inclusion and exclusion – among

other things through the attribution of national identity or belonging. This is why being German is still often equated with being white and having a Christian cultural background (cf. Chapter 5.4).

Antisemitism is also an extensive binding factor for nationalist ideologies. However, it differs in terms of some essential aspects of racism – for example in that it attributes power, intelligence, wealth and central significance to the group it targets, which is reflected in various conspiracy theories. While racism is about portraying stigmatised groups as “foreign”, “different”, and “inferior” (e.g. blacks, Muslims or Sinti and Roma), aspects such as the alleged striving of Jews for world domination and the supposed superiority of this minority play a leading role in antisemitism. The belief in a Jewish world conspiracy is one of the core elements of right-wing extremist and Islamist ideologies. However, even beyond the extreme fringes of society, antisemitic conspiracy theories have a certain appeal and mobilisation potential, especially in times of social upheaval and crises that are accompanied by a perceived loss of control. This is currently shown by the example of the so-called Corona protests: In the first three months of the pandemic alone, the Federal Association of Research and Information Centres on Antisemitism (RIAS) documented 123 rallies and demonstrations in relation to the COVID-19 pandemic where antisemitic statements were made (RIAS 2020a, p. 8).

Racism, antiziganism, Islamophobia and antisemitism, as well as other forms of misanthropic prejudice, are a major cause of discrimination and exclusion, and the violence directed against the groups targeted. On the one hand, the various manifestations of these phenomena show overlaps in their mechanisms, but – as far as their history and social function are concerned – they each have their own specific characteristics. The various forms of racism and antisemitism cannot be reduced to corresponding convictions and intentionally harmful actions. For example, harmful actions can also be unintentional, and associated ways of thinking and speaking are very often historically handed down and anchored in collective social knowledge or perception; thus, recourse to racist or antisemitic patterns of argumentation and action can also occur unconsciously. This is also regularly revealed in studies on the attitudes of the population (cf. Chapter 3.2).

With the ratification of the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), Germany has committed itself to a policy that is comprehensively directed against all forms of racism – including non-intentional racist discrimination. State and public institutions are required to comply with the principles of the Convention. The UN Committee on the Elimination

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of All Forms of Racial Discrimination, which monitors compliance, has, however, often found that Germany falls short of its commitments in this regard, including those relating to the differentiated collection of data on racial discrimination (CERD 2015; cf. Chapter 4.5).

Last but not least, the phenomenon of “racial profiling” must be viewed much more critically than it has been thus far because it contains direct and indirect elements that promote violence. This is illustrated by the case of the African-American George Floyd in the USA, who was killed on 20 May 2020 during a violent arrest by white police officers. This act sparked a worldwide debate on racially motivated police violence. “Racial profiling” refers to a method used in particular by security agencies, the police, etc.: In order to ensure security according to the political and social systems in each case, and identify potential offenders (or terrorists) in time, the authorities decide to screen or monitor people on the basis of their external appearance, skin colour or certain physiognomic features; this again harbours the risk of prejudgement and discrimination. The affected persons experience such checks, which in many cases are conducted in the absence of any suspicion of a crime, and frequently without a specific reason, as extremely humiliating, which can lead to an escalation during interaction with the respective security personnel (cf. Cremer 2013).

### 3.4.2 Right-wing populism

Regardless of whether the phenomenon of populism is defined as an ideology, a political strategy or a movement (Jörke/Nachtwey 2017; Mudde/Kaltwasser 2017; Müller 2016a; 2016b; Vorländer 2011; 2019d) – parties or movements that can be labelled populist have fundamental similarities: 1. the idea of a homogeneous popular will, which 2. is positioned against a political elite and which 3. can only be implemented directly and immediately. Most populists and populist movements demand an authoritarian structure that merges the “movement” and its “leadership”. The movement and the leader portray themselves as the embodiment of an “authentic” and homogeneous will of the “people”; this negates diversity and pluralism in society, as well as consultation and negotiation processes in democratic decision-making procedures (Vorländer 2016; 2019c). In addition, right-wing populism has a decisive aspect – that of the exclusion of “others” and above all of minorities, people seeking protection, migrants (especially Muslims), Sinti and Roma, and Jews. The “others” can also include the groups described by right-wing populism as “elites”, or certain media that represent the supposed establishment. In right-wing populism, the term “people” is defined culturally or ethnically-nationally and, to a large

extent, also “racially”, and thus excludes groups stigmatised as “foreign”. This not only attacks the mediating forms of representative democracy (parliaments, parties, institutions); it also calls into question the fundamental rights of the individual and of minorities, the freedom of the media and the independence of the judiciary.

These aspects were especially significant during the intensified forced migration in 2015, as right-wing populist movements were able to grow and also establish themselves as parties. In light of the suddenly occurring heavy migration flows and the media reporting about it, the populists succeeded in mobilising the fears and resentments of parts of the population and converting these into votes (MIDEM 2018). This effect persists, even though the number of asylum seekers has dropped significantly in the meantime (BAMF 2020). It can also be shown that right-wing populist attitudes in parts of the German population have increased slightly over the past few years, primarily in that these segments of the population find group-focused misanthropic attitudes acceptable and prefer authoritarian solutions to democratic solutions (Vehrkamp/Wratil 2017; Vehrkamp/Merkel 2018; Zick/Küpper 2015). In this context, right-wing populist parties have been particularly successful in elections where the population had no or very little contact with “foreigners” or groups perceived as foreign before 2015 (MIDEM 2019; Rees et al. 2019). Right-wing populists have also played a major role in the brutalisation of public discourse. Through campaigns on the street and especially in social media, they try to generate an anti-integration environment by belittling migrants and especially refugees with rhetorical breaches of taboos and with fake news, by holding them responsible for undesirable developments and by slandering democratic politicians (Vorländer et al 2016; 2018; Weiß 2017). This paves the way for right-wing extremism and ultimately also for right-wing terrorism.

The fact that the boundaries between right-wing populism and right-wing extremism have become fluid is shown by the observable digital and analogue networking of campaigns and networks and the professionalisation of agitation and propaganda. Intermediary organisations such as the “Identitarian Movement” are often active here – but also individual intellectuals or leading figures who downplay and disseminate corresponding ideas as “middle-class and conservative”. It has also been proven that right-wing populist movements such as Pegida have given rise to right-wing extremist and right-wing terrorist groups that have committed violent attacks against certain facilities (including shelters for people seeking protection) and people. Examples here include the “Freital Group”, whose members have been convicted and sentenced to prison, and the “Free Comradeship Dresden”.

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### 3.4.3 Right-wing extremism and right-wing terrorism

Right-wing extremism denotes not only an ideology but also organised groups or environments that constitute the “extreme spectrum” of organised right-wing extremism. The central idea behind right-wing extremist views is the rejection of the immigration of people who right-wing extremists ideologically define as non-Germans or “foreigners” (Zick et al. 2016). Organised right-wing extremism is fragmented into a wide variety of groups and milieus, whose networks are partly analogue and partly digital.<sup>57</sup> However, it is united by a “pattern of attitudes whose unifying characteristic is ideas of inequality. In the political sphere, these are expressed as an affinity to dictatorial forms of government, chauvinistic attitudes and a trivialisation or justification of National Socialism. In the social sphere, they are characterised by racist, anti-semitic, xenophobic and social Darwinist attitudes” (Kreis 2007, p. 13). The supporters of right-wing extremism see “Germany” and the “German people” as victims of “foreign players” or “foreign powers” (Virchow et al. 2016, p. 10). Conspiracy theories partly play an important role here – in the mobilisation of right-wing extremists as well. Thus, for example, there was often talk of “Umvolkung” (ethnomorphosis) during the forced migration in 2015; this term originates from the sphere of French right-wing extremism and denotes the systematic and intentional, and even controlled, immigration of migrants in order to force multiculturalism upon an alleged ethnically or culturally “pure” German people (cf. Chapter 3.4.1).

Prejudices based on inequality are expressed in biases, belittling stereotypes and rejective attitudes (cf. Chapter 3.2 and 3.4.1) – for example towards asylum seekers and refugees, Muslims, Sinti and Roma, blacks and Jews (Frei et al 2019). Contemptuous and derogatory attitudes towards women, the homeless and people with disabilities are also part of the system of right-wing extremist convictions; they form a bridge between organised right-wing extremism and parts of the general population who share these attitudes (Zick 2017b; Zick/Küpper 2018).

Measures for dealing with right-wing extremism in relation to integration should not only be aligned towards minimal repressive and preventive criteria – e.g. towards protection against hate and violence in their criminally relevant forms. Similar to right-wing populism, right-wing extremism has a broader social impact, especially in

youth cultures (e.g. through white power music, among the neo-right, in digital worlds of experience; cf. Glaser/Pfeiffer 2018). Sociological studies have also shown that populism and extremism promote a climate of fear and lead to a widening of the distance between social groups, the “normalisation” of extremist views and a decrease in civil courage (Grau/Heitmeyer 2013). Likewise, research shows that right-wing extremists can more firmly establish themselves and their ideas, and generate radicalisation more easily, among groups in which racist and misanthropic prejudices already exist (cf. Rees et al. 2019). Another new and in part still unknown field that plays a role here involves digital spaces. Right-wing extremism has developed a digital network in spite of its heterogeneity and in spite of all internal conflict and the competition between various factions. This network closely links individual parts and serves as a communicative hinge, and it also has an impact at the very core of society.<sup>58</sup>

Right-wing terrorism certainly has a long history in Germany (Virchow 2019), but this terrorism has entered into public awareness more extensively in recent times due to attacks and assassination attempts. Immigrants and their descendants, Muslims, Jews, Sinti and Roma, the left-wing and public persons, groups and facilities, all of which stand for a diverse country of immigration in the eyes of the right-wing terrorist groups, have been attacked. This also includes synagogues and mosques, for example. In addition to the real danger, which can hardly be assessed, this creates fear and anxiety among the people concerned.

Right-wing terrorism usually develops from right-wing extremism, because many members of right-wing terrorist groups have previously radicalised themselves in right-wing extremist groups or have had contact with such groups, via social networks as well. Right-wing terror was not recognised as such in the Federal Republic for a long time and was therefore massively underestimated. The “National Socialist Underground” (NSU) killed a total of ten people and injured many more over seven years. Factions such as the “Reichsbürger” (“Reich citizens movement”), defence leagues and online right-wing terrorist groups often formed “under the radar” of the relevant authorities. The authorities as well as the public often needed years to identify and designate right-wing extremist acts of violence as right-wing terror. In this respect, it is hardly surprising that the figures of independent bodies and the documentation of NGOs in this regard deviate from the official statistics of the Federal Criminal Police Office, whereby this deviation was often

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57 There are also forms of extremism apart from the right-wing spectrum that endanger integration – for example Islamist terrorism, which is dealt with in Chapter 3.5.

58 <https://www.sifo.de/de/bewilligte-projekte-aus-der-bekanntmachung-aspekte-und-massnahmen-der-1767.html> [06.05.2020].

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considerable in the past. Moreover, it is not easy for both the authorities and researchers to define right-wing terrorism precisely or to agree on an exact description of the phenomenon (cf. Botsch 2019).

It is typical of right-wing terrorism to use violence, either directly or indirectly, to implement one's own ideology and destroy democratic ideas and institutions. This also includes targeting and killing opponents and creating chaos and disorder through propaganda, intimidation and attacks (cf. Virchow 2016).

Recently, a number of right-wing terrorist groups have been prosecuted more consistently and the planning of corresponding acts has been uncovered. In the view of the Expert Commission, right-wing terrorism has failed to receive the necessary attention from politicians and law enforcement agencies in recent years. A type of rethinking has indeed now set in as a result of the NSU trial and recent assassination attempts, as well as the uncovering of plans of action on the Internet. Nevertheless, measured against the number of victims of right-wing violence and compared to the investigations into left-wing or Islamist terrorism, there are still very few relevant investigations (Köhler 2019, p. 6).

A particular challenge for political education, youth work and research is the early and universal prevention of radicalisation. Massive efforts have been undertaken here for a long time with regard to Islamist radicalisation; such efforts are lacking in the field of right-wing terrorist radicalisation, as is an overall social strategy that brings together different perspectives and interests in a coordinated manner.

Finally, it should also be noted that right-wing extremist and terrorist groups and individuals have been increasingly pursuing a strategy that involves local operations. Aggressive and violence-oriented groups seem to prioritise the propagated "fight for the streets". This poses unexpected problems for municipalities, especially since right-wing extremism and terrorism also seek an alliance with "middle-class" right-wing populism. Massive and destructive conflicts can flare up at the municipal level over the issue of migration and integration, whereby these conflicts could have been avoided or at least reduced by appropriate conflict management measures (Faller/Zick 2019). Right-wing factions are emerging, reaching out to the population and trying to divide local societies. Local conflicts between right-wing extremists and their supporters on the one hand and institutions and civil society on the other

can hardly be managed by the municipalities themselves. Therefore, municipal conflict management must receive greater support than has previously been the case. This requires longer-term investment and support for municipalities that want to actively pursue such management. This can be closely linked to the management of integration processes, as has already been tested as a model in NRW (the federal state of North Rhine-Westphalia 2020).

### 3.4.4 Hate crime<sup>59</sup>

An important framework condition for successful integration is safety and security. One of the core functions of the state is to ensure that all people can live in safety and security. It contradicts the basic idea of integration if some people have to fear more than others that they will become victims of an act of hatred because of their – real or perceived – membership in a social group, and therefore will be less likely to be able to live in safety. Even if racism (see Chapter 3.4.1) or misanthropic attitudes (see Chapter 3.2) naturally do not always lead to criminal acts, they generate fears and feelings of insecurity among the groups concerned, especially in certain regions. Such attitudes and acts have always existed. However, as reports from the Federal Office for the Protection of the Constitution and police crime statistics show, right-wing extremist and terrorist acts of hatred and acts of hatred against refugees and asylum seekers, public officials, dignitaries and other groups have increased significantly in recent years. There has been little research on the fear of those who are affected by racism, antiziganism, Islamophobia and antisemitism, or on individuals or groups that actively campaign against racism and right-wing extremism (Wetzels et al. 2018). In the view of the Expert Commission, however, not only is more research needed in this area, but above all prevention measures must be intensified and efforts must be made to convey social solidarity to the affected groups so that the feelings of insecurity and danger intended to be generated by hate crime do not grow among them.

As a result of the findings of the NSU Committee of Inquiry of the German parliament in the summer of 2015, "racist, xenophobic and other inhuman" motives and goals of the perpetrators were explicitly included in the aspects to be considered in sentencing according to Section 46 of the Criminal Code. The explanatory memorandum to the law states that the aim of this amendment is to enable the public prosecutor's office to clarify and take into account such motives at an early stage in its investigations (Ger-

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59 The Expert Commission commissioned an expert report on this matter (Backes 2019). The statements in this section are partly based on this expert report.

man Parliament 2015). The extent to which this regulation – apart from individual judgements<sup>60</sup> – has actually had an effect on sentencing cannot yet be determined. Irrespective of this, however, it has been criticised on various occasions either as unnecessary (Schäfer et al. 2017) or as not consistent enough (Beck/Tometten 2017). Cremer and Cobbinah (2019, p. 648) also criticise the fact that many questions of the application of the law have not been clarified, up to and including the question of what is to be understood as racism in legal terms in the first place.

In the category of “hate crime”, the police register offences against persons based on their ascribed or actual nationality, ethnicity, skin colour, religious affiliation, social status, physical or mental disability or impairment, sexual orientation or sexual identity, or outward appearance (cf. Backes 2019, p. 4; cf. German Parliament 16/13035). The German term is borrowed from the English term hate crime and covers a whole range of crimes based on hatred and prejudice against certain groups, including arson in refugee accommodation, homicide and bodily harm, bombings and explosions, sexual offences, deprivation of liberty and others. The security authorities enter such crimes into the reporting system for politically motivated crime;<sup>61</sup> in the vast majority of cases, the police assume a right-wing orientation<sup>62</sup> or a right-wing extremist motivation on the part of the suspects (on right-wing extremism, see Chapter 3.4.3).

However, racism, antiziganism, Islamophobia and antisemitism are not to be found exclusively in the non-immigrant population. Members of minorities also sometimes exhibit prejudices and resentment, and even hatred and agitation, which can lead to violence. This is shown by the example of the pharmacist Marwa El-Sherbini, who was murdered in 2009 by a Russian-German with Islamophobic motives, or the physical assault by a youth of suspected Arab descent on the Rabbi Daniel Alter in 2012. Both cases triggered a nationwide debate. Special attention was paid here to the argument regarding antisemitism among Muslim migrants because against the background of forced migration from Arab regions, where antisemitic

attitudes are widespread among the population<sup>63</sup>, a warning against “import” and hence a rise of local antisemitism was presented in the media and mentioned in political debates. A broad international study led by the *Pears Institute for the Study of Antisemitism at the University of London* investigated the extent to which immigration from the MENA region (Middle East and North Africa) since 2011 has affected antisemitism in five European countries, including Germany. It concluded that antisemitic attitudes are comparatively high among Muslim minorities. This also applies to immigrants from eastern European or post-Soviet countries.<sup>64</sup> However, there is no evidence of a correlation between an increase in antisemitic incidents and increased forced migration (Berek 2018). The fear that antisemitism could increase due to immigrants or Muslims is also clearly reflected in figures on the funding practices of the federal government for prevention of antisemitism, among other things: As part of the federal programme “Live Democracy!”, about half of the 20 model projects for antisemitism prevention funded in the funding period 2015–2019 dealt with antisemitism in the immigrant society or in the Islamist spectrum, which illustrates the focus on this group.

In contrast, it should be noted that none of the projects in the first funding period and none of the 14 model projects funded in the second funding period since 2020 explicitly focus on antisemitism in the right-wing extremist spectrum. This needs to be corrected because the greatest danger with regard to racism and antisemitism still emanates from German right-wing extremism, according to the assessment of the Federal Minister of the Interior, Horst Seehofer, as well as the Federal Commissioner for antisemitism, Felix Klein. The current “Situation Report on Antisemitism” by the Federal Office for the Protection of the Constitution also supports this finding (Federal Office for the Protection of the Constitution 2020, p. 17). Thus, more than 93 per cent of antisemitic offences in 2019 had a right-wing background, as did 85 per cent of violent offences; the proportion of right-wing extremist motives in Islamophobic offences is similarly high (BMI 2020a).

60 For example LG Traunstein, judgement dated 30 November 2018–450 Js 12135/18; AG Duisburg, judgement dated 10 June 2016 – 81 Ds 78/16.

61 For the definition of politically motivated crime used by the police, see the Annual Report on the Protection of the Constitution (BMI 2018b, p. 22f).

62 The essential feature of a “right-wing” ideology is the assumption of inequality or prejudice and inequality of people. Crimes where references to racial nationalism, racism, social Darwinism or national socialism were the full or partial cause for committing the crime should be classified as right-wing extremist as a rule.” [https://www.bka.de/DE/UnsereAufgaben/Deliktsbereiche/PMK/PMKrechts/PMKrechts\\_node.html](https://www.bka.de/DE/UnsereAufgaben/Deliktsbereiche/PMK/PMKrechts/PMKrechts_node.html) [07.08.2020].

63 As the studies of the Anti-Defamation League show, this is true – not only for Muslims and Muslim women but also for Christians in these states. An average of 75 per cent of the former agreed with antisemitic statements, and 64 per cent of the latter. This indicates that the attitudes are to be attributed more to the political socialisation in the region concerned and less so to religious affiliation. In this context, the Israel-Palestine conflict, which spills over into neighbouring countries, is also significant. The results from other countries such as Nigeria again show that the Muslims there agree with antisemitic statements far less than their Christian compatriots (8 per cent as opposed to 22 per cent) With regard to antisemitic attitudes in Muslim-majority states, it is therefore not possible to speak of a uniform picture; rather, a wide variance is evident (cf. Anti-Defamation League (ADL) 2020).

64 This shows a differentiated analysis of the data sets of the GMF (group focused misanthropic attitude) surveys from 2002 to 2011. There are comparatively high levels of agreement with antisemitic attitudes even among immigrants from Poland, Romania and countries of the former Soviet Union. To date, however, there is a lack of relevant studies and prevention approaches relating to this range of topics (cf. German Parliament 2017, p. 84).



The classification of antisemitic offences under the statistics for politically motivated crime (PMK) has also been the subject of criticism for some time now. A central problem of the previous classification practice is that “xenophobic” as well as antisemitic offences are assigned to the PMK right-wing category “if there are no contrary facts concerning the motivation of the perpetrator” (Federal Government 2019c, p. 3). This classification practice can result in a distorted picture regarding the group of perpetrators, as has been determined by the Independent Expert Group on Antisemitism commissioned by the German parliament. There is therefore an opportunity here to improve the survey methods and to further modify the categorisation criteria. An initial study on Jewish perspectives on antisemitism in Germany, which was carried out from May to June 2016, also concluded that in the perception of a significant segment of Jews who responded and who have experienced veiled insinuations (61 per cent of the respondents), verbal (29 per cent) or physical attacks (3 per cent), antisemitism from Muslim migrants has a higher significance than what emerges from the PMK statistics (Zick et al 2017). However, it is not just the PMK statistics that indicate a clear prevalence of right-wing extremist motives in antisemitic offences, as this can be derived from the statistics relating to solved cases as well. Solved antisemitic cases in connection with a right-wing extremist background accounted for between 83 and 92.7 per cent of all solved antisemitic cases in the period 2014 to 2017, during which time nearly half of all such cases were solved (Federal Government 2017c, p. 50 et seq.). Even civic bodies, and above all the Research and Information Centres on Antisemitism (RIAS), which collects its own data on antisemitic incidents (including those below the threshold for prosecution), concludes that since 2015 a majority of antisemitic incidents that can be attributed to political motives have had a right-wing extremist background (RIAS 2020b). This calls for further research, especially to determine who exactly commits which crimes, and also who commits socially and psychologically relevant overt and covert attacks. However, threats and concerns must be taken more seriously – after all, the study on Jewish perspectives, for example, also shows that 75 per cent of the respondents were afraid that antisemitism will increase due to right-wing populism, and it also reports that antisemitism is mainly communicated through the Internet and social media.

The overall figures for hate crime are quite disconcerting: In 2019, there were 7,491 violent crimes of this kind in the “right-wing” sector alone.<sup>65</sup> The unofficial figure is presumably far higher because some victims do not report the acts out of fear, and not all acts are also recognised as hate crimes by the investigating authorities.<sup>66</sup> Officials at the Criminal Police Alert Service for Politically Motivated Crime (KPM-D-PMK), where such data is collected, also deal with incoming statistics, i.e. cases are registered here as they were classified at the beginning of an investigation. New findings in the course of an investigation can lead to a different classification, however. Thus, for example, the attack in a Munich shopping centre in 2016, where an attacker with racist motives killed nine people, was only classified as a politically motivated right-wing act of violence later on, in 2019. For this reason, it is particularly important to have findings in this area of crime that help shed light on the actual number of incidents – i.e. beyond what is contained in the official statistics. Independent victim counselling centres<sup>67</sup> estimate higher figures. For example, the PMK statistics list 94 fatalities due to right-wing violence since 1990,<sup>68</sup> while other organisations and authors consider this figure to be too low.<sup>69</sup>

As for Islamophobic crimes, which have only been recorded separately since 2017, they amounted to 950 in 2019 (BMI 2020b). On average, a mosque, a religious location or a religious representative faced an Islamophobic attack every other day (184 cases, cf. Federal Government 2019c, p. 13). According to data from Muslim associations, the actual number is probably considerably higher since mosque communities that receive bombing threats, for example, do not always report them due to the fear of copycat offenders (cf. Rüssmann 2020). Civic organisations that document attacks on mosques and do follow-up research in mosque communities also report that mosque communities sometimes only file reports if attacks are repeated (ibid.). Even in the case of antiziganist offences, which also have been separately identified only since 2017 and which stood at 78 cases in 2019 (BMI 2020b), the actual number of offences might differ considerably from the PMK statistics. This is because Sinti and Roma often have very little trust in the German police and judiciary due to their historical experience of persecution and genocide (Central Council

65 [https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2020/pmk-2019-hasskriminalitaet.pdf?\\_\\_blob=publicationFile&v=4](https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2020/pmk-2019-hasskriminalitaet.pdf?__blob=publicationFile&v=4) [07.08.2020].

66 The criteria for PMK statistics were revised in line with the recommendations of the NSU enquiry committee. The sub-field of “hate crime” alone is now divided into eleven sub-topics, including, “xenophobia”, “racism”, “antisemitism”, “antiziganism”, etc.

67 Apart from the surveys of victim counselling centres, it is also worth mentioning various international statistics (for example those from the Office for Democratic Institutions and Human Rights, ODIHR, the Organisation for Security and Co-operation in Europe, OSCE, or the Fundamental Rights Agency, FRA) and surveys of victims such as the victimisation survey conducted by Birkel et al (2019) on behalf of the BKA.

68 This number also includes the victims in Hanau and Halle.

69 Cf. <https://www.belltower.news/die-liste-193-todesopfer-rechtsextremer-und-rassistischer-gewalt-seit-1990-36796/> [04.08.2020]; Köhler 2019, p. 4.

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of German Sinti and Roma 2020), as well as the fact that both institutions continued to be involved in discriminatory practices against this minority after 1945 (Widmann 2015). For both phenomena – Islamophobic and antiziganist crimes – and for antisemitic ones as well, the perspective of those affected should be taken more extensively into account in terms of the categorisation criteria and methods. It would also be helpful to have a uniform working definition of the phenomena in order to guide government actions more effectively. In this connection, the Expert Commission welcomes the work conducted by the independent panel of experts on antiziganism and Islamophobia at the Federal Ministry of the Interior, Building and Community in 2019 and 2020, and the fact that the panel was able to work out a draft for such a definition. A better overall statistical picture of the two phenomena is necessary in order to obtain a basis for even more targeted prevention work. Analogous to the Research and Information Centres on Antisemitism (RIAS), incidents of Islamophobia and antiziganism should also be better documented and analysed through monitoring in cooperation with the respective communities, and those affected should be offered counselling and support tailored to their needs.

Hate crime has many faces. Hate crimes can be emotional and spontaneous, but also cold-blooded and planned in advance. From the perpetrator's point of view, the victim is arbitrarily replaceable in his or her negatively viewed group. Hate crime is not limited to acts that have a politically organised or right-wing extremist background (Cremer/Cobbinah 2019, p. 651f.). Nevertheless, hate crimes also always send a "message" to the entire vulnerable group to which the victim is attributed, and which is the addressee of the act as a whole. The associated dehumanisation and conscious infringement of dignity of the victim is anticipated in the process, or is even intended. Hate crime thus has extremist, sometimes even terrorist tendencies, even if not every hate crime is based on an explicitly extremist motivation. Hence, it is not easy to distinguish hate crime from right-wing terrorism. However, with regard to the intensity of prosecution and the degree of public and political attention, the way police classify a crime and the resulting overall statistical picture have considerable significance here.

For the victims of hate crime, the experience is often formative. The physical and psychological consequences influence their social behaviour and put a strain on their family life; it is not uncommon for them to suffer long-term consequences. In hardly any of the violent acts of hatred had the victim provoked the offenders before, or had stood out through aggressive behaviour (Backes 2019). In most cases, the perpetrator(s) and victim(s) did not know each other at all. The victims thus experienced the act as a spontaneous violent outbreak, which is frequently preceded by a provocation by

the offender, and the attack occurs due to the external features of the victims, which they of course cannot influence. The presence of third parties generally does not protect the victims. More than 80 per cent of hate crimes take place in public spaces and everyday places that the victims cannot avoid; they must therefore fear that similar things will happen to them there in future. 90 per cent of the people who have been attacked are males. The acts of violence are predominantly bodily injuries, which are life-threatening in about one-fifth of the cases (cf. Backes 2019).

In about a one-third of the cases, the perpetrators mistake their victims for asylum seekers. This group is particularly vulnerable due to the numerous arson attacks on refugee shelters, among other things. This is also an important aspect because asylum seekers in particular have often already been victims of violent crimes before or during their flight, i.e. before they found safety in Germany. The proportion of those affected by such crimes varies depending on the country of origin, but it reaches up to 80 per cent in the case of protection seekers from African countries (Wetzels et al 2018, p. 91). This is why post-traumatic stress disorders are very common among this migrant group in particular. It is not only since the attacks in Halle and Hanau that immigrants and their descendants, black people, Muslims, Jews and Sinti and Roma have felt unsafe in Germany (Birkel et al. 2019, p. 99). However, there have hardly been any studies on this to date, and the latest victimisation survey by the BKA for 2017 only surveyed a relatively small sample of people of Turkish origin and people from the former Soviet Union (ibid., p. 100).

The perpetrators of hate crimes are mostly male and have a low level of formal education. Unlike in the past, they are not predominantly juvenile but instead have an average age of around 30 years, according to the most recent surveys. In two-thirds of the cases of violence motivated by right-wing politics, the perpetrators had a criminal history – e.g. welfare fraud, criminal assault, drug abuse. For most perpetrators, additional factors that promote violence play a role: their own experiences of violence, the heated and increasingly uninhibited atmosphere on the web and at protest rallies, and the desire to imitate other acts. Backes (2019, p. 8) also refers to the "promoting effect of opportunity structures (especially easy-to-hit targets in the immediate vicinity)", where perpetrators assume that victims will not report them for fear of complications with the authorities.

It can at least be said for the years 2011 to 2016 that around half the perpetrators of hate crimes did not belong to any structurally or ideologically consolidated group. However, the number of organised violence-prone, right-wing extremists has been increasing for several years, and there is also a special risk from exactly this group (cf. Chapter 3.4.3).

## Recommendations:

### *Thinking beyond the parliamentary realm*

- The Expert Commission welcomes the establishment of the cabinet committee of the federal government to counter right-wing extremism, racism, antisemitism and other forms of misanthropic attitudes. The initial decisions of the committee were not available at the editorial deadline for this report, but the Expert Commission agrees with the opinion of the experts that the documentation and analysis of methods for fighting racism and extremism require long-term action strategies beyond the parliamentary and governmental realm. The Expert Commission welcomes the idea of appointing an independent commission against racism in order to promote the implementation of various measures and develop further recommendations.
- The Commission further recommends the funding of research and measures to make the prevention of and intervention against racism and extremism possible in the long-term, and to increase the associated efforts considerably. This could be achieved by establishing a federal foundation.
- The Commission recommends the funding of long-term studies and the monitoring of the spread and manifestations of racism, right-wing extremism and current forms of acts of hatred stemming from biases and anti-democratic orientations.

### ***Protection of victims is the top priority and must be reinforced significantly.***

- Protection against extremism, discrimination, and populist hate speech must be institutionally and structurally enhanced at all social levels. Good advisory structures make an important contribution to informing the victims of hate crime about their rights and options, and to ensuring they are provided legal protection. The victims must also be guaranteed legal counselling, and appropriate legislative initiatives must be introduced for this purpose.
- The EU Directive 2017/541 of the European Parliament and the Council on combating terrorism must be implemented completely; Sections 27 to 30 (protection and counselling of victims, claims for damage) must especially be considered in this process.

- The Expert Commission recommends providing financial and moral support to an association of the victims and the bereaved of the racist attacks, one which represents the interests of persons directly affected by the attacks and acts as a contact point for political stakeholders, security authorities, the media and the public. Germany does not yet have a direct victim interest group that provides information and preventive measures for protection, establishes and provides participation structures, conducts empowerment training programmes and forms a network for the victims; this is already a standard practice in many other countries.
- Federal, state and local governments should consider extending the responsibilities of their integration commissioners, strengthening their position (especially for fighting racism) and increasing the resources provided for the prevention of extremism as required. The Commission also welcomes the appointment of racism commissioners analogous to the antisemitism commissioners in the federal states and government agencies.
- National and international recommendations must be taken more extensively into account and implemented after appropriate analyses. The European Commission against Racism and Intolerance (ECRI) has recommended specific measures for Germany (ECRI 2019). These include the idea that the independent anti-discrimination body of the federal government should be given a mandate to provide legal assistance to people who have been subjected to racism and discrimination, to represent them in institutions, decision-making bodies and courts, and to initiate proceedings in their name.
- A federal commission on the prevention of right-wing extremism should promptly examine the implementation of the recommendations of the committees of enquiry into the NSU, as well as those of other committees that have looked into the formation of right-wing extremist groups and their crimes, and develop a plan of action. It must be made clear to authorities, the executive and the legislature when the phenomena of racism, right-wing extremism and right-wing terrorism arise.
- Victim and violence management includes threat and risk management in institutions, authorities, media and many other areas. Measures to introduce local conflict management must be promoted. Municipalities need to be provided with guidance on preventing conflicts in view of the significant increase in hate crimes.

- Since public officials and dignitaries themselves are often the target of such attacks, they must be comprehensively supported, counselled, and protected. In this sense, the Expert Commission supports measures such as the one introduced in Bavaria for appointing specific contact persons for local politicians in the public prosecutor's office, as well the regulation that prosecution in such cases is basically "in the public interest".

#### ***Consistent identification of hate crime; prevention and prosecution***

- Because racist, antiziganist, Islamophobic and antisemitic offences are often not reported by the victims, or are not correctly classified by the authorities, a comprehensive study of the actual numbers of such incidents in these categories must be commissioned in order to improve the data situation. In addition, data collection should take place by means of objective and real and assignable specifications.
- Measures for education and further training must be developed and implemented throughout the country for the judiciary and police. These measures should focus on various forms of racism (including antiziganism and Islamophobia) as well as antisemitism and hate crime and should include awareness-raising campaigns in schools, for example.
- With regard to offences against protection seekers, preventive measures must be reviewed and realigned. The fact that the perpetrators today are older should also be taken into account in future prevention measures. It must be determined whether the focus here should first be on specific situational areas and the area of reintegration into society, especially if it appears that the perpetrators from the past are largely identical to those of today.
- For those groups that are particularly vulnerable to hate crime, racism and extremism, prevention measures should be developed that target and include the areas of the internet, schools, youth recreational facilities, sport facilities, etc.
- Programmes that help people who are already linked with extremism leave their movements should be strengthened, especially in the areas of traditional and new right-wing extremism, and these programmes should be offered and communicated on the Internet, in schools, youth centres, sport facilities, etc. The potential offered by de-radicalisation work in the field of Islamist extremism can be used for this purpose.

- The collection of statistical data on hate crime should be improved in such a way that it is no longer linked to certain political attitudes or political activities. It can be enough for the existence of a hate crime if an offence is directed towards the affected person due to an attributed or actual characteristic.
- With regard to recording antisemitic offences in PMK statistics, the criteria and methods should be reviewed and aligned with the perspective of the affected persons in order to be able to depict the groups of offenders more precisely.
- In view of the threat posed by right-wing extremist perpetrators, the federal government must take stronger prevention measures with respect to antisemitism in the right-wing extremist spectrum within the framework of the federal programme "Live Democracy!".

#### ***Strengthening legal certainty and options for executive authorities***

- The Commission recommends the creation of a judicial expert opinion for the definition, classification, and collection of data on the various phenomena. It must be made clearer to authorities, the executive and the legislature when the phenomena of racism, right-wing extremism and right-wing terrorism arise. Likewise, it must be determined which legal clarifications and amendments are necessary in order to improve legal certainty and also prosecution and protection measures.
- The Expert Commission welcomes the establishment of specialised public prosecution offices for *hate crimes/hate speech* and encourages the federal states to continue their efforts to better equip the corresponding departments. The relevant departments or police units should be given responsibility as soon as there are indications that an offence could have a relevant motivation. In order to ensure that this utilisation of resources does not adversely affect other areas of law enforcement, the resources of the public prosecutor's office should be increased in total.

#### ***Increasing reliable documentation and analysis and aligning it with a coordinated prevention strategy***

- The documentation of racism, antiziganism, Islamophobia, antisemitism, right-wing populism, right-wing extremism and right-wing terrorism must be reliable and more accessible for research and must go beyond the official documentation (PKS etc.).

- The federal government and the states should be urged to monitor the various forms of racism and anti-democratic orientations. Municipalities with a corresponding need should also receive scientific support for their monitoring efforts.
- The Commission recommends commissioning several scientific studies at various locations on “racial profiling” and other aspects of racism within the police force and security authorities. The commissioning process should use transparent tendering and a selection procedure based on scientific criteria (peer review).

#### ***Making civil society strong and resilient***

- Protection against extremism, discrimination and hate speech must be strengthened at the level of both the authorities and civil society. The Commission recommends the continuous monitoring of existing programmes for counselling, prevention and intervention in order to identify weaknesses and blind spots.<sup>70</sup> This can be accompanied by programmes such as “Live Democracy!”.
- Lecturers, teachers, staff in educational institutions and parents are not adequately prepared to deal with racism, antiziganism, Islamophobia, antisemitism and hate. An initial national education conference on this topic would be very helpful.

### **3.5 Facets of criminality in the context of migration<sup>71</sup>**

***Crime induces fear – among people with and without a history of migration. Taking decisive action against here requires accurate knowledge of the facts. The data on the structure and extent of crime must be interpreted sensitively and in a differentiated way, both in political and public discourse.***

Crime is an attack on safety. Crime is already a key topic of conflict in the context of migration and integration because many people are asking themselves whether the

crime rate in Germany is rising due to migration. The incidents on New Year’s Eve in Cologne in 2015-2016,<sup>72</sup> the rape and killing of young women by adolescent immigrants and planned or executed terror attacks such as the one at the Christmas market at Breitscheidplatz in Berlin in 2016 have contributed to the feeling of insecurity in the population. Public discussions on this topic are often conducted in a heavily polarised manner. In this context, right-wing populists, among others, sometimes also use the concept of “criminal foreigners” to warn against the alleged dangers of migration; criminality frequently serves as a “metaphor for general insecurities and perceptions of threat” (Wetzels et al 2018, p. 86).

Such fears and concerns must be taken seriously, and the threat situation must be assessed objectively in order to respond appropriately. There is no evidence that the resident population in Germany has a fundamentally higher need for security than people in other countries. However, security requirements for the resident population are significantly higher in Germany. For example, there is a strict registration and identification requirement in the country, and violations can be sanctioned. Asylum seekers often enter without any proof of identity, however. It would be naive to assume that there are no criminals or terrorists among asylum seekers, or that such individuals could be identified in all cases.

A person who comments in one way or another on the criminality of immigrants, the associated fears and the need for internal security quickly comes under suspicion: Either they are accused of criminalising an entire inherently extremely heterogeneous group and thus fuelling resentments, or they are reproached for playing down a threat to internal security or ignoring the corresponding dangers. In other words it is a balancing act to avoid doing one or the other. Nevertheless, these points must be addressed, especially in order to free the immigrant population from a general suspicion and thus debunk myths.

#### **3.5.1 Monitoring, backgrounds and development of crime**

The most important source for the monitoring and analysis of offences are the police crime statistics (PKS). They help the police identify developments as quickly as

<sup>70</sup> As is the case in project Mapex, <http://www.mapex-projekt.de/> [04.08.2020].

<sup>71</sup> The Expert Commission commissioned two expert reports on the topic of “criminality” (Backes 2019 and Zdun 2019). The statements in this section are partly based on the results of these expert reports.

<sup>72</sup> Cf. the final report of parliamentary enquiry committee of the state parliament of North Rhine Westphalia (2017) to this end. This states, among other things, that the violence was not repeated, even when a similar and varied crowd appeared in Cologne on the following New Year’s Eve.

possible. However, the statistics are only suitable in part for scientific comparisons and as a basis for a sophisticated public dialogue. The statistics register suspects but do not provide information on whether they are convicted. Thus, with regard to the valid presumption of innocence, the data does not permit a conclusion as to the number of criminals; only the number of suspects. Furthermore, the PKS only shows the “bright field” (number of reported offences) because it only records the offences that become known to the police. On the other hand, it gives no information on the large number of offences that do not become known to the police – the “dark field”. In some areas, incidents are also not categorised in a differentiated manner. Thus, they are in part assigned to certain case groups merely due to the subject matter of the act, without there being enough specific reference points for it, or else they are registered without any differentiation. Accordingly, the quality of the conclusions that can be drawn from the PKS in relation to individual fields of crime depends, firstly, on the knowledge of the police (i.e. on whether the crimes involved are those that the police pursue and investigate extensively – so-called control-related crimes, or whether these are so-called reported crimes, which become known to the police when the victim, witnesses or other persons lodge a complaint), and secondly, on whether the offences are registered and categorised in a differentiated manner. A smaller dark field can be assumed for the types of crimes that the police pursue on priority; for those that depend on reporting behaviour, the dark field is of course larger. This is interesting with regard to the criminality of migrants because studies have determined that offences with non-German suspects are reported more willingly (Wetzels et al 2018, p. 94; Bergmann et al 2019, p. 40; Mansel/Albrecht 2003).

In 2019, there were approximately 576,000<sup>73</sup> cases in Germany involving non-German suspects (PKS Yearbook 2019, p. 138). However, this figure cannot simply be put into relation with the number of German suspects. For various reasons, the Federal Criminal Police Office (BKA)

advises against comparing criminal activities of immigrant and non-immigrant persons on the basis of the PKS, i.e. establishing a crime rate for immigrants (in this context, the BKA speaks of a “crime suspect load factor”) in which the number of foreigners suspected of committing crimes forms the numerator and the German resident population the denominator.<sup>74</sup> This is because, on the one hand, the PKS also records foreigners who are not registered in Germany and only stay here for a short time.<sup>75</sup> In 2019, this was approximately 137,000<sup>76</sup> people and thus just under 25 per cent of the 576,000 cases mentioned above in which non-German suspects were involved. On the other hand, there are structural differences between the groups of immigrants and the group of non-immigrants in terms of age, gender, and social structure. Criminological research across countries shows that criminal acts are committed primarily by young males, and the proportion of this group is significantly larger in Germany among the non-German population than among Germans, especially among those seeking protection (Wetzels et al. 2018, p. 94f. and 103f.). For example, 73 per cent of asylum seekers who applied for asylum in Germany for the first time between 2015 and 2019 were under 30 years old, and 64 per cent were male (BAMF 2020; BKA Federal Situation Report 2020, p. 8). When differentiated according to offence areas, differences between the countries of origin can also be observed (PKS Yearbook 2019, p. 130 et seq.; BKA Federal Situation Report 2020, p. 19 et seq.).

With regard to social structure, various characteristics that are not recorded in the PKS (PKS Yearbook 2019, p. 127; Uslucan 2012) play an important role, and they must be taken into account when assessing crime and its background. These characteristics include the residential environment, social setting, housing, level of education, the street culture prevalent in socially disadvantaged residential areas, the desire for recognition, and a high susceptibility to provocation (for more details, see Zdun 2019, p. 10f.). None of these factors should be understood as a kind of automatic determinant of criminal behaviour:

73 See PKS Yearbook 2019, p. 138. This figure refers to total criminal offences (violations of the Residence Act, the Asylum Act and the Freedom of Movement Act/EU, which can only be committed by foreigners but not by Germans, have already been factored out); suspects in multiple offences are also counted more than once. The BKA specifies the number of suspected immigrants for 2019 as 151,009, and the number of criminal offences with at least one immigrant suspect as 266,094 (BKA Federal Situation Report 2020, p. 2). Both figures were down 9 and 10 per cent, respectively, compared to the previous year.

74 The Federal Criminal Police Office writes: “It is not possible to calculate the real load factor of suspects for non-Germans because the population statistics do not include the foreigners who are not officially registered and who are staying here legally [...] or illegally. In addition, experience has shown that the update figures for the officially registered foreign resident population are extremely unreliable.” (PKS Yearbook 2019, p. 101). In another section, it explicitly states: “A comparison of the actual crime rate of the non-German resident population with the German one is [...] not possible.” (PKS Yearbook 2019, p. 127; see also *ibid.*, p. 161f.).

75 This is the case, for example, with crimes in connection with international sport events, major political events or vehicle thefts and domestic burglaries, for which Eastern European suspects who do not have permanent residency in Germany are identified relatively frequently. The PKS also records residency status. The publications of the BMI and BKA do not show these figures separately. It is possible, however, to calculate the above-mentioned groups on the basis of the PKS figures, but this is rarely done when referring to this data.

76 Calculations based on table 29 key 890000, cf. <https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2019/PKSTabellen/BundTVNationalitaet/bundTVNationalitaet.html?nn=131006> [18.11.2020].

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Of the young people who grow up in precarious conditions, the majority do not become criminals – regardless of whether or not they are immigrants or the descendants of immigrants. When looking at the data, it should be noted that the PKS only differentiates between Germans and non-Germans. Dark field studies, on the other hand, often record the aspect of “migration background”. Therefore, they should be taken into account in order to better understand crime in the context of migration and integration.<sup>77</sup>

The question of whether the crime rate in Germany is increasing as a result of migration cannot be answered unequivocally on the basis of the available statistics for the reasons mentioned above. Overall, however, crime in Germany has declined over the past 15 years, although at the same time the number of people who immigrated increased by more than 3 million between 2005 and 2019. The share of this group among the total population was 16.7 per cent in 2019, as compared to 12.6 per cent in 2005.<sup>78</sup> This also holds true for the years 2015 and 2016, which were characterised by strong refugee immigration, and for youth violence in the second decade of the 2000s (Birkel et al. 2019, p. 98; BMI 2018a, p. 76; PKS Yearbook 2019, p. 32 et seq.)<sup>79</sup> – and this despite the fact that such crimes are now much easier to record and report due to the widespread use of smartphones, etc. However, the decline does not affect all areas equally and has different reasons (see Pfeiffer et al. 2018, p. 35 et seq.; Zdun 2019, p. 3f., Wetzels et al. 2018, p. 100).

However, fear of crime increased during the same period. This is demonstrated, for example, by surveys on victimisation (Birkel et al. 2019, p. 98) and various surveys (such as the Eurobarometer, cf. COM 2019, the European Social Survey, Köcher 2018 or the R+V long-term study “Fears of Germans” from 2019). If enough educational work is not done here, this can foster rejection, especially in the context of integration (Walburg 2018, p. 171).

Prejudice research has long discussed that perceptions may be biased when assessing crime and the fear of it (Bornewasser 2012; Boers 1991; Reuband 1998; Bals 2004; Lewis/Salem 1986; Gabriel/Greve 2003). Nevertheless, there has not yet been sufficient investigation regarding

how the current discrepancy between the decline in crime on the one hand and the increase in feelings of insecurity on the other can be explained. Birkel et al. (2019) suggest that the nature of public discourse in the media and politics could play a role here, especially discourse relating to forced migration (ibid., p. 99). It is also possible that the phenomenon of “travelling crime” is relevant in this context. This includes criminals who enter the country, usually in an organised manner, from other EU member states or from third countries in order to commit, for example, domestic burglaries, vehicle thefts, fraud and drug-related offences. As described above, they are also registered in the PKS as non-German suspects, insofar as they are identified, although they usually only enter the country to commit the offences in question. Such an occurrence of offences considerably increases uncertainty and fears in the population and puts a strain on integration work. It therefore requires decisive action in terms of security policy. The security architecture must be strengthened over the long term – at the national, European and international level and at internal and external EU borders – in order to preserve the European area of freedom, security and justice for the benefit of EU citizens over the long term. Since the “travelling” suspects rarely belong to the German resident population, they will not be dealt with further here from the point of view of integration policy. In contrast, two crime phenomena that could also play a role in relation to the fear of crime because they are very present in the public perception – namely clan criminality and Islamist terror – are quite relevant in terms of integration policy.

### 3.5.2 Clan criminality

Clans are mostly associated with large families that immigrated to Germany, among other places, after the Lebanese Civil War (1975–1990; PLO against Christian militias), especially via East Berlin to West Berlin. Most of their members were stateless persons who ultimately remained in Germany for legal reasons. For them, the family is often the only reliable source of solidarity (Zdun 2019, p. 12). Some of the clans have become a seriously growing force in area of organised crime (OC) after years of rather restrained government law enforcement in this milieu – also as a result of intimidation. In the meantime,

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77 For differentiated analyses on crime in the context of migration and integration, see Bliesener 2018; Backes 2019; Zdun 2019; SVR 2019.

78 Own calculation based on DESTATIS 2020b.

79 The temporary increase in the number of non-Germans in 2015 and 2016 is not due to violent crimes but instead to an increase in asylum and residency offences, which can only be committed by foreigners, not by Germans. These offences are now reported separately in the PKS. Revising the data for violations of the foreigner law results in a difference of 5 to 10 per cent over the years (SVR 2019, p. 148). When interpreting the PKS data, it must be taken into account, as already mentioned above, that quite a significant proportion of the non-German suspects included in the data are not resident in Germany and must first be excluded. In addition, the groups of persons covered by the term “immigrants” were expanded in the 2017 PKS (cf. PKS Yearbook 2019, pp. 136 and 161); as a result, the composition of the group has changed and comparability with the figures from previous years is limited.

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the following has changed: Political authorities see these clan structures as a separate area of OC and provide more resources for investigation and prosecution. In 2017, the Act on the Reform of Criminal Asset Recovery also made it easier to provide evidence and even made a reversal of the burden of proof possible, which made it significantly easier to access the enormous profits flowing to OC and thus attack its profitability.

Thus, law enforcement agencies are now taking decisive action against this form of OC. In June 2019, the Conference of Interior Ministers commissioned a federal-state task force to prepare a report by the end of 2020 on the prevention of clan crime and measures to phase out and eliminate it. The empirical data situation on clans and their criminal activities was rather unclear for a long time; only since 2019 has the BKA's situation report on OC included a section on clan crime (cf. BMI 2019). Dark field studies with further data and information are completely lacking (Zdun 2019, p. 12). There is also a need for research on preventive measures and, in this context, on the socio-structural risk factors already mentioned above (cf. Chapter 3.5.1). The aforementioned federal-state task force is expected to make further recommendations for effectively and consistently combating clan crime.

### 3.5.3 Islamism and Islamist terror

When asked about their fears, part of the German population has cited the threat of terrorism for several years now; by far the largest proportion is primarily afraid of Islamist attacks (COM 2019). Between 2015 and 2017, Islamists carried out several attacks, each resulting in many deaths – at the Bataclan club in Paris, at Brussels Airport, at the beach promenade in Nice and at Berlin's Christmas market at Breitscheidplatz. A number of other bloody attacks occurred during the final editing phase of the Expert Commission's report: in Dresden on 4 October 2020; in Paris on 16 October; in Nice on 29 October; and in Vienna on 2 November.

Under the heading "Islamism and Islamist terror," the German Federal Office for the Protection of the Constitution has for several years been very closely monitoring groups that include violent Salafist and jihadist organisations,<sup>80</sup> associations such as the Muslim Brotherhood and a number of individuals who have been classified as dangerous (BMI 2018b, p. 179). The group of observed threats and organisations is very heterogeneous in terms of how they become radicalised and the social milieus they come from (from

poorly educated to highly academic - e.g. Mohammed Atta). Some of these individuals are foreign-born, some are domestic; about a quarter are converts to Islam. (Roy 2018).

Islamism is a form of extremism and is often accompanied by radicalisation. The most threatening organisations at present are groups such as the Islamic State (IS) and the Al-Qaeda terrorist network. Their imitators are equally dangerous. A typical approach of these groups is to deny human characteristics to members of other or "enemy" groups, thus placing them outside the world of moral values. This dehumanisation and the accompanying desensitisation to the suffering of others usually takes place in the context of war, which poses a major challenge with regard to prevention and IS returnees. However, even under the gaze of local German authorities, the Dresden assassin, for example, radicalised himself only after his arrival in Germany in 2015, according to the investigating authorities. The Vienna killer was an Austrian of northern Macedonian origin. Both perpetrators had unsuccessfully tried to join the IS, and both were known to local security authorities, which were nevertheless unable to prevent the attacks. The target of attacks can be any person who is an "infidel" in the view of the Islamists. Incidentally, the perpetrators also target all people of Muslim faith who do not share their understanding of Islam and their political goals (a large proportion of Islamist terrorist attacks are carried out in countries with a Muslim majority - e.g. Iraq and Afghanistan). When attacks are carried out in Europe, targets are often chosen that are symbolically attributed to a Western lifestyle, or else places are targeted where as many victims as possible can be expected.

Some findings indicate that radicalisation processes are very strongly linked to socio-economic factors and to certain psychological dispositions, such as a traditional value orientation and authoritarianism – but also identification with religion and a perception of life-historical marginalisation (cf. Herding 2013; Brettfeld/Wetzels 2007; Psoiu et al. 2020). However, international radicalisation research is not unanimous on whether religion should be considered a determinant here and, if so, with what significance (cf. Hummel/Rieck 2020; Kiefer et al. 2017; Molthagen 2015; Kepel 2016; FNRP 2020). A specific milieu in which Islamist perpetrators are recruited cannot be identified beyond doubt on the basis of previous studies, and the situation here also seems to change over time. In 2008, Sageman's biographical analysis of several hundred radicalised persons from various regions of origin concluded that the mostly young radicalised persons who were examined often came from secular families with a medium so-

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80 For an overview of various forms of Salafism and jihadism, see Hummel et al. 2017.



cio-economic status and tended to have a medium level of education. The large-scale international empirical study by Gambetta and Hertog (2016) also came to similar findings. However, this pattern did not hold true in the recent attacks in Vienna and Nice, for example. In addition, more recent surveys show, at least for Germany, that radicalisation processes take place at “all levels of society, irrespective of economic circumstances or school degrees” (Abou Taam 2018, p. 10; cf. also BKA et al. 2016, p. 15f. and 61; Ritzmann 2018, p. 8; Eisvogel 2018, p. 9; Datschke 2018, p. 7). The question that cannot be answered in its entirety is what makes the predominantly young men susceptible to extreme ideologies and ideas (cf. Manemann 2016) and how it might be possible to permanently and sustainably de-radicalise at least those Islamist threats that are known to the security authorities. The escalation dynamics between right-wing Islamophobic groups and political parties (NPD, Pro NRW, etc.) and groups sympathising with Salafism, which – in the sense of co-radicalisation – has a mobilising and violence-fostering effect, must be also considered more extensively in research (cf. Hummel et al. 2017).

The Radicalisation and Prevention Research Network (FNRP) has conducted a very comprehensive analysis of a German group of male and female jihadists. According to the findings here, radicalisation leading up to an attack was primarily influenced by interactions between a propaganda of defiance and the ability of the tightly hierarchical group to construct its own Islamist religion (Kiefer et al. 2017). Early crises in socialisation also played a role. Crucial to the question of radicalisation, as well as to successful prevention and de-radicalisation, is the social environment and its precise analysis. A survey of radicalisation processes<sup>81</sup> by the BMBF-funded “Extreme Society” project provides a good basis for developing better prevention measures. Data on radicalisation is available; however, there is a lack of cooperative and coordinated structures of exchange between authorities, research and civil society (Zick 2017a),<sup>82</sup> also at the European level.

#### Recommendations:

- Information on crime in connection with immigration must be systematically collected with reliable data, especially through longitudinal studies as well. This is important in order to both counteract prejudices and identify specific needs for action.

- Crime of all kinds must be combated resolutely, irrespective of the origin of the perpetrators, and existing law must be applied consistently. If necessary, the necessary resources, especially human resources, must be significantly increased, especially in the area of criminal prosecution.
- The existing prevention programmes to curb delinquency must be evaluated and further developed. Proven successful prevention approaches should be made permanent. In the spirit of comprehensive neighbourhood management, special attention should be paid to programmes oriented towards residential areas in order to promote, as far in advance as possible, participation perspectives, social skills and other protective factors before problems begin to occur.
- Prevention concepts for those seeking protection should primarily be geared towards young people. It must be taken into account that the persons concerned may be traumatised by the causes of flight or experiences during their flight.
- The initiative of the Conference of Interior Ministers on the prevention of clan criminality should also include in its catalogue of measures more intensive research on structures, as well as possibilities for prevention.
- Parts of the population seem to view the police (as well as other security agencies) primarily as agencies of repression and control. It would therefore be important to better clarify their role as support and conflict resolution bodies. In addition, the importance of the state’s monopoly on the use of force must be conveyed and crimes against the police must be prosecuted quickly and consistently.
- With regard to Islamism and Islamist terror, there is an urgent need to bring together official, scientific and civic knowledge – across borders as well. Cooperation between security authorities within the EU must be expanded in order to effectively counter the often transnational character of radical networks.
- The work of reviewed and scientifically monitored projects and measures for de-radicalisation, disassociation and phasing out should be expanded and safeguarded so that long-term activities become possible. It should be discussed whether the state should not take on the often security-relevant task of professional de-radicalisation itself, instead of having this work carried out as it has been in the past.

81 See <https://www.bamf.de/DE/Themen/Statistik/Asylzahlen/AsylGesStatistik/asylgeschaefststatistik-node.html> [11.08.2020].

82 The currently largest European database on risk and protective factors relating to detained extremists, including jihadists (<https://www.vera-2r.nl> [11.08.2020]), is not being continued at the moment, partly because some German states are having problems cooperating.

- In view of the threat posed by jihadism and acts of Islamist violence, Muslim religious communities in Germany should implement their own prevention projects to a greater extent than in the past, receive support in doing so, and also cooperate actively with external de-radicalisation projects.
- To combat cross-border crime, the federal government should work to ensure that effective controls and security checks are carried out at the external borders of the EU when people enter and leave and that the mandatory exchange of information between national law enforcement agencies is further strengthened at the European level.

### 3.6 Gender relations in immigration country

**Relations between the sexes are heterogeneous and sometimes contradictory; this applies to gender roles, forms of relationships and attitudes toward equality. In Germany, a country of immigration, this applies to immigrants as well as to people who have been living here for a long time. This chapter presents the general social constellation and links it with references to specific lines of conflict in the context of migration. The background to these lines of conflict primarily involves the tension between traditional and egalitarian gender norms.**

Greater equality between women and men was a project of the 20th century in Germany. This project is by no means complete. For example, the growing establishment of the rights of LGBTQ persons was still unforeseeable at the end of the 20th century, as was the decision of the Federal Constitutional Court on the third gender in 2017 (BVerfG 2017).<sup>83</sup>

Gender plays a role in many of the topics addressed in this report. Among immigrants, for example, the proportion of men is higher than that of women; this applies to labour force migration (BMI/BAMF 2020; cf. Chapter 2) and also to forced migration (BAMF 2020). There is indeed a global trend that more women with high qualifications are migrating over time (Kerr et al 2016; OECD/EU 2019); but the federal government's migration report of 2018 (2020a) identifies a total proportion of only 39 per cent women among the newly arrived. In addition, the participation of

immigrant women in the labour market, and also in other areas of life, is particularly low (e.g. Salikutluk et al. 2020; cf. Chapter 4.3.9). For example, according to the 2013 micro census, labour force participation among women aged 18 to 64 with an immigrant background was nearly 70 per cent, compared with about 80 per cent among women without an immigrant background (cf. Höhne 2016; for more recent SOEP figures, cf. Salikutluk and others 2020).<sup>84</sup> At 8 per cent, unemployment among female labour force participants with a migration background in the 2013 micro census was also almost twice as high as among female labour force participants without a migration background.

A variety of explanations are discussed for the gender differences; these range from intersectional discrimination<sup>85</sup>, i.e. multiple discrimination (Färber et al. 2008; Weichselbaumer 2016; cf. Chapter 4.5), to traditional gender roles in the countries of origin (Khoudja/Fleischmann 2015). Debates about the head scarf or forced marriages (e.g. Berghahn 2017; Thelen 2017; Korteweg/Yurdakul 2016) also point to a tension between traditional and egalitarian gender norms in the immigration society. Conflict situations that relate to discrimination and lead to violence against girls and women are countered at the EU level with guidelines and agreements on violence prevention and victim protection (cf. European Parliament 2018). Such laws and social norms are not always known to immigrants on the basis of their experiences in their countries of origin, and are also violated in Germany, where discrimination and assaults against girls and women are prosecuted. This is exemplified by the issues of genital mutilation and forced marriage.

There are currently 66,707 women and girls living in Germany who are affected by female genital mutilation (BMFSFJ 2020). The increase in recent years is due to the fact that more women have immigrated and are immigrating from countries where genital mutilation continues to be practised, such as Eritrea, Somalia, Indonesia, Egypt and Iraq. In Germany, the threat situation is difficult to assess: The number of girls assessed as at risk ranges from 2,785 to 14,752 (BMFSFJ 2020). The actual number of cases of genital mutilation in Germany are not known at this time, according to Terre des Femmes (2019). Genital mutilation is a serious violation of human rights and thus a criminal offence, and it has been classified as a separate criminal offence under section 226a of the Criminal Code (StGB) in Germany since 2013.

83 Resolution of the First Senate of 10 October 2017 – 1 BvR 2019/16, margin no. 1–69, [http://www.bverfg.de/e/rs20171010\\_1bvr201916.html](http://www.bverfg.de/e/rs20171010_1bvr201916.html) [19.10.2020].

84 Among men aged 18 to 64, labour force participation is just under 90 per cent, irrespective of migration background (Höhne 2016).

85 We refer to “intersectional discrimination” when people with a certain manifestation of several discrimination characteristics, for example women of Arab origin, homosexuals of Islamic faith or disabled people of advanced age, are discriminated against (cf. Chapter 4.5.1).

Forced marriages have been the subject of heated public and political debate in Germany for several years. There is agreement that forced marriage constitutes a blatant violation of human rights, one which predominantly affects women from immigrant families. Especially where patriarchal family structures prevail, girls (and also boys) continue to be married off at an early age. Forced marriages cannot be traced back to specific religious traditions. They occur in different social, ethnic and cultural contexts (BMFSFJ 2011, p. 9). Jurisprudence has been reformed accordingly: Since 2011, forced marriages have been a criminal offence in Germany (Section 237 (1) StGB). According to Section 237 (2) of the Criminal Code, persons who allow forced marriages to take place abroad by force, threat or trickery are to be prosecuted. Even the attempt to do so is punishable. In 2017, the minimum age for marriage was set at 18 without exception. Marriages of minors are either considered null and void (under 16) or are annulable (between 16 and 18). In 2019, police statistics registered 74 cases of prosecuted forced marriages in Germany (Police Crime Statistics 2019).

The two examples show the considerable extent of oppression of girls and women in several countries of origin, as well as the restrictions on personal freedom and scope for decision making, especially with regard to girls and young women in some immigrant families – in Germany as well.

However, if the focus is exclusively on discrimination and assaults against girls and women by immigrants, two aspects that are central in the view of the Commission tend to be misjudged: On the one hand, human rights violations against girls and women are by no means tolerated in Germany, but are prosecuted under criminal law. On the other hand, it should be noted how heterogeneous and contradictory gender relations are in the country of immigration as a whole.

For example, women's emancipation and gender equality have not been comprehensively implemented either in Germany as a whole or worldwide, cf. the Global Gender Gap Report in World Economic Forum 2020. As is clearly evident, for example, in the 19th German parliament, both women and immigrants with German nationality are currently politically under-represented. This makes it clear that there is no "automatic mechanism" for greater participation (cf. Treibel 2020a). The #metoo movement, sexual abuse across all milieus and the extent of so-called separation homicides (every two to three days, one woman dies in Germany at the hands of her partner or ex-partner) also demonstrate the extent of sexual violence, sexism, dominance and power struggles in gender relations in society as a whole (cf. Federal Criminal Police Office (BKA) 2018; Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) 2019).

The right to full equality of women and men, which is guaranteed in the Constitution, is far from being fulfilled in societal reality. Nevertheless, equality is a social norm and a voluntary commitment that has found its way into all levels of law and administration. Such laws and social norms are not known to many immigrants from their countries of origin (cf. German Council of Experts (SVR) Research Unit 2019).

At the same time, it is a problem when immigrant and refugee women are stereotypically portrayed in the media as oppressed and lacking independence (cf. Farrokhzad 2006; Lünenburg et al. 2011) because this does not do justice to the diversity of origins, biographies, experiences and everyday life situations. Women who have a history of migration cannot be classified as a homogeneous group. However, they are often represented as one in the media with certain images, and this ignores their diversity and their roles in families and society. Girls and women are – entirely apart from migration – not "only" girls and women; they are also members of certain social classes, strata or milieus, and they differ in their sexual orientation, their religiosity and their generational affiliation. This interweaving of affiliations and attributions, known as intersectionality, is also evident in the context of migration and gender (cf. Kulaçatan/Behr 2020; Lutz 2017; Neuhauser et al. 2017; Tuidier/Trzeciak 2015).

Gender relations in society gain a new dynamic through immigration processes. Gender and migration issues are interlinked and serve as political markers of difference, for example in the programme of the Alternative for Germany (AfD) (2018), where anti-genderism and criticism of migration are put forward as core content. In public discourse, the figure of the newly immigrated, traditionalist and patriarchal man is often contrasted with that of the modern and emancipated man who has been here for a longer time (Geisen et al. 2014; Hark/Villa 2018; Messerschmidt 2018). Even though gender stereotypes and the equality of men and women in various areas of German society (such as the gender pay gap in the labour market) have been discussed more intensively for some years now, recent studies indicate that a considerable number of men (and also women) without a migration history nevertheless hold "gender images resistant to equality" in the sense of traditional ideas of femininity and masculinity (cf. BMFSFJ 2016).

Studies on the gender norms of different groups of origin do not reveal a conclusive picture. Rejective attitudes towards maternal employment or the activities of men and boys in the household, for example, are not simply a consequence of "Islamic culture", as they can also be found in non-Islamic milieus (cf. Diehl et al. 2009). Other studies show that in some cases there are far less tradition-

al attitudes among immigrants than among those born in Germany (Becher/El-Menouar 2013; Institute for Employment Research (IAB)-Federal Office for Migration and Refugees (BAMF)- Socio-Economic Panel (SOEP) surveys; SVR research area 2019), but that such attitudes also differ greatly according to countries of origin and milieus. Some groups have more progressive attitudes than the non-immigrant population and, above all, attitudes are gradually converging towards the gender norms of the rest of society (Blau 2015; Pessin/Arpino 2018; see also Liebig/Tronstad 2018). A comparative European study reports that among immigrants from non-egalitarian heritage contexts, first-generation women adopt the gender norms of the host setting more quickly than men (cf. Röder/Mühlau 2014). Moreover, active integration policies seem to have a stronger impact on immigrant women than on immigrant men under certain circumstances. Furthermore, existing integration challenges are often linked to other factors that are not related to gender or origin (Liebig/Tronstad 2018 and Chapter 4.3.9).

In the past, immigrant women were often not the focus of integration policies, especially those who came via family reunifications (Organisation for Economic Co-operation and Development (OECD) 2017d). Since then, people have learnt from the failures of the past. This is all the more significant as the proportion of women among immigrants and their descendants is now almost 50 per cent (German Federal Statistical Office (DESTATIS) 2020a). Programmes launched in recent years prove that the need for action here has been taken into account. This positive development trend continues in specific measures and programmes, e.g. in courses for mothers and children in German, the promotion of women's professional development, and other counselling programmes and projects. Despite all the progress, however, the actual need for such measures has not yet been met (cf. Fendel 2019). This is all the more true as immigrant women have been discovered as harbouring "dormant potential" for the labour market in recent years (cf. Haruna 2013).

Conflicts especially arise when women and men seek to liberate themselves from gender roles that have been ascribed to them by tradition or family attitudes. In Germany, immigrants experience that in addition to the roles they know and live, there are many other lifestyles and values – unlike in societies where the family or the community as collectives have more or less a say in personal lifestyles. However, conflicts can arise not only when role patterns are questioned or abandoned, but also when individuals conform to the roles ascribed to them. The explicit behaviour of individuals may vary. It can also be a strategy of immigrant women to create new autonomies for themselves and yet seek a compromise with traditional gender systems (Morokvasic 2018).

The Commission believes that the central social challenge with regard to gender relations is to come to an agreement on the difficult balance between human rights and freedoms and different lifestyles. For instance, how couples settle the question of who will take care of the children falls within the private purview of the individuals concerned. The leeway between very traditionalist arrangements, egalitarian models and the reversal of the traditional distribution of roles characterises German society and reflects its pluralism. Traditionalist lifestyles do not constitute a violation of human rights, but deprivation of liberty and genital mutilation do. The line is drawn, and must continue to be drawn, where human rights are violated. The instruments of criminal law and civil society must be further refined as needed.

Without normative state intervention, there would be no gender equality in many countries today. Although the claims to gender equality, which are now guaranteed in the Constitution, are not fully met in reality in Germany either, they still serve as a guideline for action when conflicts are imminent or gender norms are violated. It must be possible for all people living in Germany to rely on this.

In the context of immigration, measures of empowerment that support all people (irrespective of their origin, gender and sexual orientation) in shaping their lives in a self-determined way are of particular importance in the eyes of the Commission (see Recommendations).

#### Recommendations:

- In the interest of all girls and women, boys, men and LGBTQ people in Germany – whether they or their parents are immigrants or not – the federal, state and local governments should be committed to promoting more equal gender relations in society as a whole. It should be clearly communicated that achieving equality is the responsibility of all social groups and institutions. This is the job of migrant organisations themselves, as well as associations, schools, administrations and authorities.
- In the Second Equality Report of the Federal Government (2017b, p. 227 et seq.), it was already pointed out that career counselling for immigrants and women seeking protection must be (more) gender-sensitive in order to better support these women in finding employment. This should be implemented rigorously.

- Furthermore, the number of women's shelters and women's counselling centres should be increased, as should the number of counselling centres for boys and men, and for LGBTQ people as well. The fact that the existing services are advertised in many languages is encouraging. It is important that this be continued.
- The Expert Commission welcomes the national gender equality strategy adopted by the cabinet on 8 July 2020. This strategy should be reviewed with regard to the specific concerns of the immigration society and, if necessary, expanded – for example by including multi-lingual services.
- Educational work and preventive measures on the topic of gender equality and gender diversity should be continuously improved, especially in schools and other educational institutions (e.g. integration courses). A conducive development of society as a whole presupposes that different ways of life are not discredited either online or in everyday interactions.
- Measures for sensitising society to gender-based discrimination and violence, and corresponding measures under criminal law, should be consistently developed further.

## 3.7 Religion and social participation with special emphasis on Islam

*The immigration society has become religiously diverse and in consequence also pluralistic. This diversity, which must be recognised, is increasingly visible in the public sphere – for example through the construction of representative sacred buildings such as mosques and through the implementation of Islamic religious education as a counterpart to the existing religion-oriented teachings in public schools. Structural framework conditions should also be established for religious communities that do not easily fall under the existing state church law.*

### 3.7.1 Religious diversity in Germany

As a result of immigration, Germany has become more diverse in recent decades, also in terms of its religious landscape. Here two opposing trends can be observed: On the one hand, the number of religiously committed people in Germany is decreasing, as shown among other things by the number of people who continue to leave the two major churches in Germany. On the other hand, religious communities remain a strong social force and influence; this also applies in connection with integration

issues. Religion, however, is not only related to integration; it also shapes culture. Very many traditions in Germany have a religious, usually Christian, background. They also frequently developed in demarcation to other (at that time also Christian) religious orientations. These traditions are practised less today than they were a few decades ago (Gärtner 2015, p. 50f.; Pickel 2018). At the same time, religion or religiosity is often more evident among immigrants than among those born in Germany. This applies to all religious groups, including Christians.

The majority of immigrants and their descendants in Germany are Christians (29 per cent Catholic, 15.9 per cent Protestant and 6.5 per cent Orthodox (Bertelsmann Stiftung 2016, p. 1; cf. also the instructional volume by Ucar 2010). Muslims form the second largest population group. As with other religious communities, however, members of Islam are not a homogeneous group, but differ in terms of the degree and form of their religiosity. In addition, there are many other religious minorities living in Germany that are heavily shaped by migration. Of the approximately 100,000 members of the Jewish community, for example, about 90 per cent come from the former Soviet Union, and about the same number of members of the Jewish faith remain outside the Jewish communities, according to available estimates (Körber 2016).

Muslims form the third largest religious community in Germany after the Christian churches. Their share of the total population amounts to about 5 to 6 per cent, which is significantly lower than is the case in other European countries such as France, the Netherlands or Sweden. However, this percentage is massively overestimated by a large part of the population in Germany (Foroutan et al. 2014, p. 44). In the public perception, many religion-related integration issues are also associated primarily with Islam. Against the backdrop of these societal debates, the following chapter illuminates the role of religion in an immigration society, with a special emphasis on Islam as an example – although many of the aspects discussed equally affect other religious communities.

The prominence of religious practice among immigrants has also repeatedly provoked friction in recent years. This is exemplified by the conflicts over representative mosque buildings. Representative mosque buildings can be an expression of an integration in progress, insofar as they are an indication that a religious community, which until now practised its religion only in industrial areas and backyards, is now a prominent member of urban societies. Such building projects represent an act of religious pluralisation (also in terms of the proportion of Muslims among the total population), which is important to ensure that sufficient places of worship are available for all

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religious communities.<sup>86</sup> However, a significant part of the population has so far had reservations about this development: In a representative study, 42.2 per cent of the respondents agreed with the statement that “the construction of publicly visible mosques should be restricted in Germany” (Foroutan et al. 2014, p. 35; cf. Chapter 3.2). Not only religions or religious denominations but also the free practice of one’s own religion is constitutionally protected in Germany; against this background, reservations and rejection from the population are worth weighing and in the end are to be seen as subordinate to the fundamental right to the free practice of religion. Of course, this does not release the respective Muslim religious communities from the obligation to ensure, in the spirit of neighbourly coexistence, that the surrounding community is involved in developments at an early stage, in order to promote acceptance in the neighbourhood and to make activities transparent.

At the same time, religious-political controversies have not only been ignited by the issue of visibility in urban spaces. The practice of non-Christian rites and customs has also been the subject of heated debates to some extent (cf. Ucar 2010). This was most recently demonstrated in 2012 in the dispute over the religious circumcision of boys, which affected not only Muslims and Muslim women but also the Jewish community in Germany: After this practice had been tolerated for many years without legal regulation, the Cologne Regional Court classified it as a form of bodily harm in 2012; this triggered a public discussion that would last for months. The German parliament finally passed a law allowing the ritual circumcision of boys at the parents’ request. As indicated by surveys, the political action to strengthen the right of self-determination of Jews and Muslims was met with little acceptance among the rest of the population: Around 60 per cent of those surveyed were still in favour of a ban on circumcision two years later (Foroutan et al. 2014).

### 3.7.2 Religious diversity and integration

What impact does religious diversity in an immigration society, a growing number of members of non-Christian religious communities and a higher average religiosity among immigrants and their descendants have on integration opportunities and risks in Germany? In public debates in Germany, as well as in neighbouring countries such as France and the Netherlands, a threatening picture is often portrayed, according to which non-Christian,

and especially Muslim, traditions among immigrants are seldom seen as being in harmony with

Christian culture and are believed to almost automatically lead to conflicts and disintegration. This conflict perspective on religious diversity is often paired with an inaccurate view of members of Muslim faith communities, especially with regard to education, participation in the labour market or even criminality.

There are indeed conflicts that are waged with reference to religion. The Islamic terrorism of recent years in Europe (cf. Chapter 3.5.3) has shaken the peaceful coexistence of different religions and exacerbated attitudes towards immigration among the population (Legewie 2013). Religion is also often understood as a means of influencing immigrants, for example through the funding of religious institutions in Germany by Turkish or Saudi Arabian religious authorities. Extreme forms of fundamentalist religiosity, which go hand in hand with rejection of religious plurality, as well as acceptance of violence or rejection of democratic principles, exist among a minority of Muslims in Germany and represent an obstacle to integration (Sauer/Halm 2019). These extreme forms of religiosity are often at the heart of public perception, which obscures the view of how religious diversity shapes everyday coexistence in Germany.

International and national empirical research paints a significantly different, much more nuanced picture of the connection between religion and integration in an immigration society. This concerns on the one hand the integration-inhibiting effect of religions, which in Germany are mainly shaped by immigrants, and on the other hand the conflict potential of religious diversity in immigration societies.

In terms of the question of whether certain forms of religiosity among immigrants can be evaluated as a “participation barrier”, the study findings for educational and labour market participation show mixed results. Often, statistical correlations for Germany are rather weak (for a literature review, see Sauer/Halm 2019). It is true that descendants of immigrants face particular challenges in the education system, as is shown by education statistics (cf. Chapter 4.3). However, this is – as Diehl (2017) points out, for example – not limited to individual religious groups: Muslim pupils do not differ much from children from other immigrant families in the same social strata in terms of their grades or transition to a secondary school that puts them on track

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86 For every 45 million people of Catholic and Protestant faith in Germany, there are slightly more than 45,500 churches, i.e. on average about one church for every 1,000 believers. For the approximately 5 million Muslims, on the other hand, the ratio is about 1:1,800 (approximately 2,800 mosques).

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for university studies (Gymnasium). Some studies also find that educational aspiration is indeed above average among immigrants in general, as well as among Muslims (cf. Relikowski et al. 2012)<sup>87</sup>, and that Muslims from certain countries of origin, such as Iran, achieve above-average school-leaving qualifications (Haug et al. 2009).

As compared to the rest of the population, Muslim immigrant groups have more traditional ideas of gender roles and display lower labour participation rates for women (Becher/El-Menouar 2013, Stichs/Müssig 2013; Sauer/Halm 2009; Diehl et al. 2009; Jacob/Kalter 2013). The role played by diverse causes is the subject of empirical disputes here – for example factors such as socio-economic situation, educational differences, an age-related higher proportion of women with children of pre-school age, discrimination or an overall higher religiosity of Muslim immigrants compared to the rest of the population, as well as religiously graded norms (Fleischmann/Phalet 2012; SVR 2016, Koopmans 2016; Becher/El-Menouar 2013; Weichselbaumer 2020; Stichs/Müssig 2013). Becher and El-Menouar (2013) point out that different gender role models can be explained primarily by socio-economic factors such as educational attainment and age. Whatever the reasons for the lower labour force participation of Muslim immigrant women may be, the descendants of Muslim immigrants gradually converge with the rest of the population (Höhne 2016; Salikutluk et al. 2020). In the view of the Expert Commission, this process of integrating immigrant women into the labour market, among other things, should be supported and accelerated by means of targeted measures (cf. Chapters 3.6 and 4.3.9).

It is true that young Muslim people with an immigration history identify less with Germany than young people of other religious groups, especially if they are highly religious (Leszczensky et al. 2020). However, it should also be noted that such differences exist in an environment marked by a fundamentally high degree of solidarity with Germany among both Muslim and non-Muslim immigrants (Pickel 2019). Denominationally shaped everyday behaviour and the drawing of boundaries between religions can pose challenges for interfaith social interaction and shared identifications (Adida et al. 2016; Eisnecker 2017; Koopmans 2014; Leszczensky 2018). Counteracting such tendencies at an early stage by engaging in dialogue between religions, promoting opportunities for contact and symbols of common identification is a pivotal task of religious communities in an immigration society. Sym-

bolic manifestations of successful integration can be, for example, the visible social advancement of immigrants of different religions, the representation of religious diversity among public officials, an inclusive national profession of faith that includes all religions represented in the country and a commitment of all religious communities to Germany (cf. Chapter 5). The basic conditions for such a democratic dialogue have been established in Germany: Studies on democratic attitudes of immigrants in Germany show that members of any religion can be staunch democrats and that for the vast majority of religious people a life according to their religious precepts is well compatible with basic democratic principles (Pickel 2019). For example, Muslims of various denominations agree with the statement that democracy is a good form of government in similar percentages to Catholic and Protestant believers (percentages between 91 and 94 per cent), and in significantly higher percentages than those who are religiously unaffiliated (83 per cent). At the same time, very religious Muslims especially advocate more than other groups that religion should have an influence on politics and that religious rules should take precedence over laws (Sauer/Halm 2019).

The US immigration society, which traditionally regards religious faiths as a bridge and not an obstacle to the integration of immigrants (Foner/Alba 2008; Kogan et al. 2020), is an example of how religious diversity can be used as a unifying element (on the importance of religion, see Émile Durkheim 1912/2007). Authors who adhere to the social capital approach such as Robert Putnam (2000) and of late Richard Traunmüller (2012) point out that religions can increase opportunities for participation both through their beliefs and through their very organisation. In other words, engaging in religious networking can not only be directed at the respective religious community but can also result in a leap of faith and commitment to all fellow human beings (cf. Uslucan 2016a; SVR 2016). An example of this is religiously motivated engagement in the area of refugee aid (Nagel/El-Menouar 2017; Halm/Sauer 2017; cf. Chapter 4.4.3).

### 3.7.3 Institutional integration of religious communities

Besides the individual sphere, the differentiating religious landscape also touches upon questions of structural and, above all, institutional integration, especially regarding the

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87 In this context, generational educational advancement tends to be associated with decreasing religiosity in the subsequent generations (Fleischmann/Phalet 2012; Brettfield/Wetzels 2007). The ZfTI (Center for Turkish Studies and Integration Research I) datasets (2010; 2012) propose a similar trend among people of Turkish origin.

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expansion of the state church law to include non-Christian religions. This law, which can be traced back to the constitution of the Weimar Republic, regulates the relationship of the state to religious and ideological communities in Germany (cf. on this Gerster et al. 2018).

Up until now, the majority of Muslim associations have not been recognised as religious communities in the context of the Constitution. This is partly due to their organisational form, which does not resemble the church structures. They often have the legal status of a registered association, which means they do not enjoy the benefits of religious communities under the constitutional law on religions contained in the Constitution.

The status of a religious community is linked to recognition as a public corporation, which is regulated at the state level by state agreements. So far, only one Muslim religious community – the Ahmadiyya Muslim Jamaat of Germany (AMJ) – has been granted the status of a public-law corporation (cf. Scientific Services of the German Parliament 2018).

The previous non-recognition of Muslim associations as religious communities has, among other things, implications for the provision of Islamic religious education, which is organised in various forms and is often of a provisional nature (cf. Chapter 3.7.5). It also has implications for other aspects, for example the right of taxation, the ability to be a civil servant, the right to establish and operate cemeteries and the right to exercise pastoral care – for example in prisons and hospitals or in the Federal Armed Forces.<sup>88</sup> Although some countries have now established burial places for Muslims and Muslim women, many bodies are still transferred by family members to the countries of origin. Here, in the course of equal rights, a solution must be found in Germany: be it separate cemeteries or the setting up of special sections in municipal or communal cemeteries.

The German state-church law provides a solution for the integration of religious communities which – provided that the required institutional adjustments are achieved – constructively integrates different religious communities into public and social life. This approach is promising, even if it is not guaranteed that an expanded application of traditional state-church law will automatically resolve social and political conflicts. Like every institution or constitutional norm, German state-church law is also supported by extraneous traditions and expectations

that have only developed over time as a result of intense conflicts (most notably with the Catholic Church) (Heinig 2018). This requires a willingness by all parties involved to open up and adapt: On the one hand, state-church law must open up to the specifics of other religious communities when it comes to the prerequisites for recognition. On the other hand, these religious communities must integrate into the state and actively participate in shaping the free democratic order (Korioth/Augsberg 2010). The accompanying intra-religious debates must – as was the case with the Catholic Church in the context of the Second Vatican Council – be carried out by the religious communities themselves.

An important contribution to successful institutional integration involves the training of imams. For a long time, the corresponding need in the parishes was covered by clergy trained abroad, since there were no suitable educational possibilities in Germany. For several decades, the Turkish Office for Religious Affairs has sent imams to the mosques of the Turkish-Islamic Union for Religious Affairs (DITIB) regional associations and paid for their salaries and accommodation costs. This practice has been subject to escalating criticism, among other reasons due to the fact that most of these imams do not speak German, are not familiar with the situation in their community and are exposed to the influence of the current Turkish government. The issue was raised at the German Islam Conference in 2008; this led in 2010 to the recommendation of the German Council of Science and Humanities to establish “centres for Islamic theology” in order to train teachers of Islamic religious education, as well as imams and chaplains (cf. Engin 2014b).

Subsequently, corresponding courses of study, in which approximately 2500 students are currently enrolled, were established at seven university locations (cf. Ceylan 2019, p. 5).

In Germany, priests, pastors and rabbis are trained parallel to their studies by their religious communities in seminaries or congregations; corresponding structures for imams have not yet been established. As a first step towards closing this gap, Islamic associations, with the support of the Institute for Islamic Theology at the University of Osnabrück, established an imam seminar as a pilot project at the end of 2019 (Riese 2019). In addition, an amendment to Section 14 (1a) of the Employment Ordinance stipulates that foreign staff for religious institutions will normally only be granted a residence permit for the purpose of gainful employment if they can demonstrate simple German

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<sup>88</sup> In December 2019, the federal cabinet gave its approval to a state agreement for the firm establishment of a Jewish military chaplaincy and the appointment of military rabbis as a counterpart to Catholic and Protestant military pastors. On the other hand, a Muslim military chaplaincy demanded by Islamic associations is still pending.



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language skills at level A1. The Expert Commission considers this to be conducive to integration into society as a whole.

Over the next few years, the federal government plans to increase the number of imams trained in Germany in Muslim communities nationwide and ensure their remuneration in order to minimise influence from abroad as far as possible. The urgency of this concern was made clear in 2017 by the “spy affair”: Imams in several DITIB mosques passed on information to the Turkish government about members of their congregations who were critical of the Turkish regime, after which the imams were removed so that they could escape German prosecution. Thus, in order to reduce influence from abroad, it seems essential to provide structures and adequate funding for imam training in Germany.

However, the fact that there are still structural differences between religions is also shown by the way non-Christian major holidays are regarded in the workplace, at school or at universities. In 2019, for example, the Central Council of Jews had demanded that important examinations at universities, such as the medical state examination, no longer be scheduled on Jewish holidays such as Yom Kippur (Schuster 2019). Similar questions are posed with regard to examination dates on major Islamic holidays such as Eid at the end of Ramadan and the Feast of Sacrifice.

### 3.7.4 Religious diversity in educational institutions

In the educational trajectory, elementary educational institutions such as crèches, kindergartens and after-school daycare centres are the primary educational institutions where religious diversity can be encountered for the first time. In 2016, the proportion of kindergartens in Germany that were run by independent organisations was 67 per cent. Of these, half had a denominational (Catholic or Protestant, a small proportion Jewish) sponsor (cf. fowid 2018); this is equivalent to 1.12 million slots in a kindergarten (cf. *ibid.*). Especially in the large German cities with their culturally and religiously diverse population, kindergartens run by churches and religious denominations are also attended by children of non-Christian faith; the largest group here is made up of children of the Muslim faith. Study results suggest that Muslim parents consciously choose to send their child to such kindergartens, as this has positive connotations (cf. Stockinger 2017, p. 145f.).

In view of the increasing labour shortage in the educational professions, as well as the rising number of Muslim children, the two major churches changed their labour law framework in 2005 and 2017 (cf. Protestant Church in Germany (EKD) 2005; 2016) and 2015 (cf. German Bishops' Conference 2015), respectively, so that the institutions in question could also employ education professionals who were not church-affiliated. Muslim education professionals also benefit from this. There are no exact figures on how many Muslim educators are employed in Christian-denominational kindergartens; however, the percentage is likely to be low at present. Contrary to some media reports about alleged disputes in kindergartens between parents of different religious affiliation concerning the food offered<sup>89</sup> or the renaming of religious holidays<sup>90</sup>, it is evident that everyday life in kindergartens is characterised by pragmatism and that the issue is an integral part of training regulations (WiFF o.J.).

Since the 1980s, general education schools have mainly addressed practical school aspects, such as participation in swimming and sport lessons as well as school excursions and class trips. While these topics are still relevant today, other aspects have also been incorporated, such as the establishment of prayer rooms, the wearing of a headscarf, fasting during Ramadan and the recognition of Muslim holidays. Until the late 1990s, Muslim parents were in many cases in a position to have their children exempted from compulsory school activities such as swimming and sport lessons or from school trips and school excursions for religious reasons. In the meantime, the judicial bodies have been increasingly moving towards no longer granting such requests without further discussions, referring in this context to Article 7(1) of the Constitution, which stipulates the state's educational mandate for all pupils without exception. Instead, the federal states or the educational institutions concerned are called upon to find mutually agreeable solutions with the parents and the pupils.

Fundamentally, with regard to case law on inter-religious matters, it can be noted that the courts are increasingly seeking rulings that balance the principles of the state and the interests of the families. Most state ministries of culture have essentially followed this policy. As a result, all pupils are in principle obligated to take part in swimming and sport lessons, but they are allowed to wear clothing appropriate to their faith when doing so. The same applies to participation in school trips and school excursions;

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89 Cf. the article “Leipzig day-care centres under police protection” from 23/07/2019, <https://www.faz.net/aktuell/politik/inland/leipziger-kitas-wegen-schweinefleischverzicht-unter-polizeischutz-16299391.html> [16.10.2020].

90 Cf. the article “Dispute over St. Martin's procession: St. Martin and the other cultures” from 11/11/2013, <https://www.sueddeutsche.de/leben/streit-um-laternenumzug-kein-platz-mehr-fuer-st-martin-1.1814255-2> [16.10.2020].

here most schools allow Muslim adults to accompany the pupils in order to dispel possible parental concerns. From the point of view of the ministries of education and cultural affairs, it is the responsibility of the educational institutions to balance the tension between their own task of social integration on the one hand and the recognition of cultural identities and the parental right of upbringing on the other, and to find balanced solutions that are acceptable to both sides.

The efforts of educational institutions to offer individual options for action on the basis of the Constitution correspond to Langenfeld's (2001) demand for an open and tolerant understanding of neutrality on the part of the state. In Langenfeld's view, the task of the state and educational institutions should not be to impose a ban on differently held (religious and cultural) convictions; rather, they should enter into critical-constructive negotiations and thereby promote processes of overall social integration in the long run.

### 3.7.5 Islam as an ordained school subject

***The increasing presence of different religious groups and faiths requires that these should sooner or later be "pedagogically integrated". It would seem that about one-fifth of the total student body will continue to be of the Muslim faith in future. For these pupils, the state must implement comprehensive academic and instructional programmes, similar to the existing programmes offered by the Christian churches and Jewish communities.***

According to the Constitution (Art. 7(3) sentence 1), religious education is an ordained subject at German schools and thus compulsory; this applies to all federal states with the exception of Bremen, Berlin and Brandenburg, where Article 141 of the Constitution ("Bremen clause") is in effect.<sup>91</sup> However, citing freedom of religion, it also allows parents to opt their child out of religious education. Muslim pupils were given the opportunity to learn about their own faith outside their own family, i.e. in school-teaching contexts, from 1977 onwards with the introduction of "mother-tongue and regional studies supplementary lessons" in some federal states. These classes were held outside the regular schedule and were the responsibility of the consular representations of the countries of origin of foreign workers, which recruited teachers from the countries of origin for this purpose. It was solely the state of North Rhine-Westphalia that introduced the school experiment "Islamkunde

in deutscher Sprache" (Islamic Studies in German) in 1999. At that time, as today, however, there was no institutional interlocutor for Islamic religious education according to Article 7(3) of the Constitution, so North Rhine-Westphalia conceived its programme in terms of religious education and developed the educational plans on its own.

As a result of discussions during the German Islam Conference (DIK) in 2008, most of the federal states established "round tables" or "advisory councils" with equal numbers of representatives from Muslim associations and the relevant state ministries. In this way, institutional coordinating bodies were set up to develop curricula and educational plans for the subject and determine the teaching content of the extension and supplementary courses of study for the qualification of Islamic teachers. These courses were designed as a transitional solution; they were intended to qualify teachers who were already working on the subject until the first teacher training courses for Islamic religious education could be implemented at German universities.

A look at individual federal states shows how the approaches vary from one state to another. While in the five eastern German federal states, there is neither denominational religious education nor a religious education programme for Muslim pupils, in Berlin, for example, "Islamic religious education" (like the religious education of other religion communities), as well as the subject "Humanistic life studies", is not taught as a regular school subject but is instead a voluntary supplementary course that is the responsibility of the Islamic Federation in Berlin. In Bremen and Hamburg, there is also no ordained school subject such as "Islamic religious education". Instead, Muslim pupils attend the religious education course "Religionsunterricht für alle" ("Religious education for all"), a dialogue-based course for the entire student body, irrespective of religious affiliation. Schleswig-Holstein has also adopted its own approach, where "for ten years now, 'Islamic studies' lessons have been offered at selected primary schools under the responsibility of the state" (integration media service 2018, p. 12). Islamic religious communities do not play a part in this. North Rhine-Westphalia, on the other hand, was the first German state to introduce Islamic faith-based religious education in 2011; this was supposed to be an important step towards institutional equality of Muslim and Christian children. The assessment of this curriculum (Uslucan 2016b; 2019b) highlights the level of interest in it: In just four years, the number of participants increased from 4,500 in 2011 to over 21,000 in 2017.

<sup>91</sup> In the federal states of Bremen, Berlin and Brandenburg, in accordance with Article 141 of the Constitution ("Bremen Clause"), the state does not offer faith-based, but rather religious/life-oriented lessons.

The assessment also highlights the satisfaction of the parents and the stable and high level of acceptance among the pupils. The lessons help pupils establish their own religious identity, which is one of the essential goals of any religious education (cf. Uslucan 2019b).

The situation is a somewhat different with Alevi religious education. Alevi in Germany, under the leadership of the AABF (Federation of Alevi Communities in Germany or, from 2002, Alevitische Gemeinde Deutschland e.V.), have been striving since the end of the 1990s for recognition as a religious community and, combined with this, they have been seeking the possibility of teaching “Alevi religious education” as a regular subject.<sup>92</sup>

Alevism is the second largest Islamic movement in Germany. In Germany, it is represented by various umbrella organisations and congregations.<sup>93</sup> Lately, some association officials have repeatedly made public statements to the effect that Alevism is an independent Anatolian faith (cf. Sökefeld 2005, p. 144). The continued discrimination of Alevi in Turkey also plays a role in this. However, larger empirical studies such as the Religion Monitor of 2008 (Bertelsmann Stiftung 2008), the study “Muslim Life in Germany” by Haug et al. (2009) and the study “Islamic Community Life in Germany” by Halm et al. (2012) prove that the majority of Alevi in Germany feel they belong to Islam or see Alevism as an Islamic denomination.<sup>94</sup> The curriculum for Alevi religious education was developed by the “Alevitische Gemeinde Deutschland e.V.” and is used in eight federal states – North Rhine-Westphalia, Bavaria, Hesse, Baden-Württemberg, Berlin, Saarland, Lower Saxony and Rhineland-Palatinate (cf. Standing Conference of the Ministers of Education and Cultural Affairs (KMK) 2019b; integration media service 2020b, p. 3). Teachers of Alevi religious education obtain their teaching qualifications through further training measures at the University of Education, Weingarten (cf. Engin 2014a).

In summary, it can be stated that the (ongoing) school trials in the federal states clearly show the different options regarding the introduction of Islamic education or Alevi religious education as a standard subject. As a survey of the ministries of education and cultural affairs of the 16

federal states by Mediendienst Integration revealed, in the school year 2019-2020 almost 60,000 pupils at more than 900 schools in nine federal states took part in some form of Islamic religious education (integration media service 2020b, p. 3). The existing programmes cover only a fraction of the demand because as the DIK already determined in 2009, about 580,000 pupils aged 6 to 18 would take part in Islamic religious education and about 70,000 would take part in Alevi religious education, which currently only 800 pupils receive (ibid.). Apart from the insufficiently served demand, the future of Islamic religious education, as it has been imparted so far, is also not secure. In eight of the nine federal states that offer it, it is currently only being tested in temporary model projects (cf. ibid., p. 4). The question regarding recognition as a religious community in the respective federal states and those who should serve as Muslim partners here is thus still relevant, as is the creation of institutional structures as prescribed by the Constitution. In this respect, the associations need substantial legal and political support from the state.

#### Recommendations:

- The Expert Commission welcomes the efforts to include the non-church-based religious communities in the structure of the state church law and recommends that they be recognised as corporations under public law. The rights and benefits associated with corporate status would place them on an equal footing with Christian religious communities, thus ensuring that immigrant religions become an established part of German society. At the same time, the granting of corporate status would strengthen the religious communities' ability to contribute to social cohesion.
- The municipalities should promote the acceptance of these religious communities, for example by agreeing that sacred buildings such as mosques (with silent minarets) can be built in representative locations. This would also initiate dialogue processes that contribute to general acceptance.

92 In 2002, the “Cultural Centre of Anatolian Alevi in Berlin” was the first community to be granted the status of a religious community within the meaning of Article 7(3) of the Constitution. North Rhine-Westphalia, Baden-Württemberg, Hesse, Saarland, Bavaria, Rhineland-Palatinate and Lower Saxony followed suit. They mainly referred to the expert opinions of Spuler-Stegemann (2003) and von Muckel (2004), who called for the recognition of the Alevi as an independent religious community (cf. Office of the German Islam Conference 2011). In 2012, Hamburg concluded a state agreement with the “Alevi Community of Hamburg” that regulates the rights and duties of the community, including the education of religion and the observance of holidays.

93 The numerically strongest Alevi umbrella organisations or communities include the umbrella organisation “AABF – Alevi Communities Germany”, the “CEM – Almanya Alevi Federasyonu (CEM AAF)” and the “Federation of Alevi of Kurdistan” (cf. Sökefeld 2015, p. 25 f.).

94 The fact that the AABF as an Alevi umbrella organisation was a permanent member of the German Islam Conference and actively participated in the discussions from the beginning also supports this position.

- For the competent handling of non-Christian holidays at the workplace, at school and at university, a nationwide guideline with pragmatic solutions should be developed that takes into account different religious needs and at the same time does not hinder institutional processes. The federal states or the individual institutions could base their policies on such a guideline.
- The Expert Commission advocates an open and affirmative approach to religious festivals. Therefore, traditional festivals should be discussed and celebrated together, especially in kindergarten and school (e.g. St. Martin's processions, Christmas and Advent celebrations, breaking of the fast/sugar festival, Hanukkah). Different religions and their traditions and contents are to be communicated in a way that promotes tolerance.
- The Expert Commission emphasises that all faith communities must accept social plurality and the fundamental right to freedom of opinion, including opinions on religious issues.
- In cases where religion has an impact on the educational background and employment of women, the state, in cooperation with designated women's interest groups, must develop and promote programmes that break down barriers – for example with mentorship programmes for girls.
- Denominational operators of elementary educational institutions should also increasingly employ educational professionals with other religious affiliations in order to positively reflect the social normality of religious diversity.
- Existing programmes for Islamic and other non-Christian religious education should be made permanent on the basis of Article 7(3) of the Constitution with defined curricula and contents. In accordance with actual needs, more religious education teachers must be trained, or the number of existing teacher training slots must be increased, so that the state can ensure a nationwide offer of religious education programmes.
- The recognition of a religious community as a body under public law facilitates autonomous, domestic financing through taxes and other contributions and thereby reduces dependence on funding from abroad, including funding from foreign governments. It ought to be a priority to avoid or reduce funding from abroad as much as possible.
- The establishment of chairs for Islamic theology and the training of imams in Germany should be vigorously pursued.

### 3.8 Resource conflicts

Time and again, it is pointed out that immigrants and people without a migration history compete for resources. This applies above all to the areas of housing, education, employment and health care, which are at the same time important fields of action for successful integration, and which also involve state or state-coordinated services. It should be noted at the outset that competition for resources generally only exists where resources are actually limited. In addition, it varies considerably at the local level.

Directly noticeable resource competition currently exists more in the areas of housing, social counselling, health care (cf. Chapters 4.8 and 4.6) and specific language and education services than in the area of employment, as the demand for labour is not fixed. On the contrary, the employment of immigrants can under certain circumstances even create jobs for non-immigrants or fill skilled labour gaps (cf. Chapter 4.3.2). However, this does not rule out the possibility of competition in certain areas, especially where unemployment is high, as well as in the area of low-skilled employment (ibid.). At the same time, however, it should not be forgotten that many immigrants are also employed in the health care and construction sectors, thus contributing to better housing and health care at the same time.

Resource scarcity is particularly felt by population groups that are already disadvantaged. It is often difficult to say to what extent these disadvantages would exist even without immigration, or how much immigration contributes to them. Discussions about this, however, are at the same time a symptom of distribution conflicts that exist independently of migration. Immigration exacerbates the problem in many cases – for example when additional people are allocated to a region that is already undersupplied with housing via the state's distribution mechanisms; nevertheless, the problem was not created by the influx of migrants in such cases. In this sense, conflicts should not be seen as something threatening per se, as they draw attention to existing problems that need to be solved anyway. The additional pressure created by immigration may even promote a solution from which other groups could then also benefit. However, this presupposes that decision makers have the necessary financial, legal and infrastructural means at their disposal. In recent years, there have been a number of reforms that benefit people with and without a migration history, such as innovations in social housing, the Qualification Opportunities Act and the so-called Good Childcare Act. These are not solely due to increased immigration, but the resulting increased need for action has opened doors to political compromises that would otherwise have remained shut for a longer period of time. It is therefore essential that those responsible for

the implementation of such regulations or for the creation of the necessary resources also have the corresponding financial and human resources, and that the legal framework conditions are also right. In any case, it is crucial for social cohesion that measures for immigrants do not come at the expense of other vulnerable groups. On the contrary, measures should either be directed at all persons for whom there is a specific need for action, or measures specifically for immigrants should be accompanied by measures for other groups with similar needs. Finally, it should not be forgotten that integration measures in particular are an investment in the future. Today's costs will lead to higher returns in future if the measures are good (cf. Chapter 4.3.2).

In order to be able to resolve resource conflicts, it is important to understand them, to break them down into manageable parts, to narrow them down locally or regionally and to find solutions together that are sufficiently flexible in order to take into account the different conditions in different places. It helps to recognise that in certain areas conflicts over distribution are to be expected when society changes – which not only happens because of immigration – and that the distribution of resources has to be renegotiated again and again. In each specific case, the question is whether the conflict would have existed anyway, whether it is intensified by migration, and at what point the issue becomes ethnically or socially charged. For example, do municipalities have problems providing sufficient housing independently of immigration? Which population groups are particularly affected by this? To what extent is this problem exacerbated by immigration? What can be done to provide more housing for all and ensure equal access to it? (cf. Chapter 4.8)

In the housing issue – as in all other areas where the distribution of limited resources is at stake – there is a need for foresighted planning and a land policy that gives municipalities creative leeway (cf. Chapter 4.7). Municipalities do not grow solely as a result of protection seekers moving in. Nevertheless, planning in relation to refugees is particularly difficult. Firstly, it is more difficult to forecast the influx of refugees as compared to other forms of migration. Secondly, in contrast to other groups of migrants, protection seekers must first be accommodated by the state, which requires more public resources. The refugee influx in 2015 and 2016 was a stress test for the federal, state and local governments because hardly anyone had expected so many people to arrive in such a short time. And in some regions, the people who arrived at that time have still not been able to find adequate housing. In view of global developments (cf. Chapter 2), however, Germany will also have to prepare for strongly fluctuating influxes in future and keep appropriate emergency resources ready. In addition, there are dynamic changes due to demograph-

ic development as well as globalisation and digitalisation, each of which has an impact on politics and the economy and also require a certain degree of flexibility. The decisive factor will be how well we succeed in preparing our systems for this, what standards we want to adhere to in the process and how the distribution of resources across different levels is organised.

However, subjective impressions also play a role in competition for resources: Germany, as one of the world's richest countries, certainly has more material, social and organisational resources than many other countries, some of which have to deal with a greater number of migrants and/or face greater social and economic problems. If a person resident in Germany has the impression that resources are scarce or that he or she is competing with others for them, it is probably often not crucial which specific resources are actually available, and to what extent. Rather, the decisive factors are fears of distribution and a sense of threat. And from the point of view of the municipalities, it certainly also plays a role that they have to meet certain social standards, but cannot manage this with the available resources.

Due to rising unemployment and the expected lower state funding as a result of the COVID-19 pandemic, resource conflicts in society will tend to increase. It is therefore particularly important for both the consequences of the crisis and the policy responses to it to examine how they affect different disadvantaged groups – with and without migration histories.

#### Recommendations:

- In order to prevent competitive situations as far as possible and to support municipalities, in particular in designing measures and planning for the future in a needs-oriented manner, there is a need for forward-looking planning in the areas of education, work and housing that is transparent both within administrations and for the population. For this, in turn, rapid alert systems must be set up, good forecasts need to be made and various scenarios have to be played out – scientifically based and with cooperation between researchers and government agencies at all levels. This will make it easier for municipalities especially to promote integration on the ground in the fields of action and the areas already mentioned (cf. in detail Chapter 4.7).
- When deciding in favour of funding migration-related projects, care must be taken not to create the impression that this is at the expense of other programmes and groups. Transparent and open communication of the selection criteria can also help here.

- Measures related to integration and coexistence are particularly effective when investments in infrastructure are accompanied by measures to promote cohesion (cf. Chapter 4.8.3). Greater support for community and district work, for example, helps to promote contact between newcomers and the existing population. Corresponding measures such as those described in Chapters 4.4 and 4.8.3 should be supported.

### 3.9 Conflicts of objectives between migration and integration policy

Another important issue involves conflicts of objectives and dilemmas in the field of migration and integration policy. More often than not, these have to do with controversies that different stakeholders evaluate differently depending on their normative standpoint and interests. Conflicts of objectives arise because individual regulations can always be viewed from two perspectives: on the one hand, in terms of the people who are already in the country; on the other hand, in terms of how the laws will affect immigrants in future. Conflicting objectives are particularly relevant in the area of political asylum. This is especially evident when dealing with asylum seekers whose applications have been rejected. The legislature is faced with a dilemma here: On the one hand, it certainly does not want to hinder the integration of these persons, since their unlawful stay is often made permanent in practice. On the other hand, lenient regulations here can act as pulling factors, i.e. as “incentive factors”: They could create an incentive for other persons to also choose Germany as a country of destination, or for persons who are obligated to leave the country to disregard their obligation to do so.

Whether integration policies influence migration incentives (and if so to what extent and for which groups) has hardly been empirically investigated thus far. The few studies available show that the global increase in forced migration is predominantly due to the worsening situation in the countries of origin, especially the rising number of victims of war and other violent conflicts, political terror and the persecution of political, ethnic and religious groups (Hatton et al. 2004; Hatton 2016; 2017). On the part of the destination countries, the decisive factors are ease of access to the country’s territory and the nature of its asylum policy, i.e. the likelihood of asylum applications being successful. Other factors include the

extent of the rule of law in the country and the duration of its asylum procedures (Bertoli et al. 2020; Hatton 2016; 2017). Shorter asylum procedures raise the incentives to migrate for groups with good prospects of staying or high recognition rates, and lower the incentives for groups with poor prospects of staying (Bertoli et al. 2020). In terms of economic factors, there is mainly evidence that the labour market situation influences the influx of protection seekers. In contrast, other factors such as the level of welfare state benefits (such as benefits under the Asylum Seekers’ Benefits Act) or access to the labour market play a secondary role (Scholz 2013, pp. 131–138; Agersnap/Jensen/Kleven 2019), or prove not to be statistically significant (Hatton 2016; 2017). Other important factors in the choice of destination country are family ties and ethnic networks among friends and acquaintances (SVR 2018a, p. 24 f.). Germany appears to be appealing as a destination country, especially for people whose relatives already live here. However, only a few protection seekers had networks in Germany when they migrated in 2015 and 2016: only about one-tenth mentioned personal relationships with family members, friends and acquaintances as a motive for choosing Germany as a destination country (Brücker et al. 2016; Brenzel et al. 2019). In future, however, this may change if more people from certain countries of origin have contacts in Germany.

In view of the data situation and the problem of recording institutional differences in detail, such findings should be interpreted with caution. However, so far they do not suggest that details in the design of integration and social policy, such as access to language courses or health services, have a significant influence on incentives to migrate.<sup>95</sup> In addition, the relative importance of welfare state benefits always depends on the specific circumstances; this connection has hardly been investigated thus far. If people come from war zones and enter Europe through the Mediterranean illegally, the social system is not likely to be a key factor for them. However, this may play a rather greater role for people from closer countries (such as the Western Balkans) and people from more distant countries who have been in transit countries in the meantime,<sup>96</sup> as well as for those attempting irregular secondary migration within the European Union; for example, a person who is already in Europe and has undergone an asylum procedure in Italy could try to continue to migrate from there to Germany. Differences in earnings, labour market opportunities and transfer benefits may increase incentives for

95 Furthermore, alluring factors (so-called pull effects) cannot be distinguished theoretically or empirically for the most part from “push” effects, i.e. factors that move people to leave their countries of origin. This applies, for instance, when income and labour market opportunities in the destination countries and the countries of origin are weighed against each other.

96 40 per cent of people who apply for asylum in Germany have previously lived outside their home country for a short or even longer period of time (Brücker/Croisier/Kosyakova et al. 2019; Brücker/Rother/Schupp et al. 2016).

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secondary migration (Kuschminder 2018; Wagner et al. 2019). However, the available findings also show that information is often incomplete; thus, symbols and rumours can also assume significance for the decision to migrate further (cf. Kuschminder 2018; ACVZ 2020; Scholz 2013). In this area, too, however, there is little solid knowledge thus far.

In Germany, asylum seekers receive limited social benefits under the Asylum Seekers' Benefits Act; depending on the situation, these are between 10 and 30 per cent lower than those for German residents. Recognised refugees, on the other hand, receive the same benefits as the latter. This signals that in Germany, in accordance with European asylum law and the Geneva Refugee Convention, recognised refugees have the same rights and obligations as non-refugees to a large extent. In contrast, benefits in Germany for asylum seekers whose applications have been rejected are high by European standards. In Germany, these benefits are also covered by the Asylum Seekers' Benefits Act. In other countries, such rejected asylum seekers receive fewer benefits, and in some countries almost none at all. In addition to humanitarian considerations, these benefits are intended to prevent the persons in question from being employed illegally or even going underground.<sup>97</sup> The extent to which such benefits can lead to asylum seekers within Europe more frequently choosing Germany as their country of destination has not been scientifically investigated.

Closely connected to this is the question of labour market access, which is a central prerequisite not only for labour market integration but also for social integration. As findings from other OECD countries reveal, the earlier protection seekers enter the labour market, the better their chances of long-term integration (cf. OECD 2007). In Germany, as in most other OECD countries, recognised refugees and beneficiaries of subsidiary protection have unrestricted access to the labour market. However, a conflict of objectives exists with asylum seekers and especially with those whose asylum applications have been rejected and who are often allowed to remain (tolerated status) because they cannot be deported by the government. Granting them an unrestricted right to work can lead to people applying for asylum who are seeking employment rather than international protection. However, long periods of inactivity as a result of a work ban not only affect future employment opportunities but can also have negative psychological consequences for people in need of protection who want to build a new life as quickly as

possible. Thus, there is a risk that asylum seekers and tolerated persons without a work permit turn to the informal labour market, where they often work under exploitative conditions. Under current law, people who apply for asylum are granted access to the labour market in Germany after three months. In the case of persons with a rejected asylum application who are actually obligated to leave the country, their residence can be legalised in accordance with various provisions. This was most recently facilitated by the so-called exceptional permission to remain for training and employment, which is linked to a legal prospect of staying. Even before a right to stay is granted, persons who are obliged to leave the country are often allowed to work under Section 32 of the Employment Ordinance. An exception applies, for example, to persons from safe countries of origin and in the case of a longer stay in an initial reception centre (Chapter 4.3.8). Disputes in the past about the details of the two orders of exceptional permission to remain are indicative of the conflicts of objectives described here.

The arguments are somewhat similar when it comes to integration measures for asylum seekers or persons whose application for asylum has been rejected. Here, it is not feared that a liberal policy will increase influx. However, it could make returning to the country of origin more difficult and send the wrong message to asylum seekers who are not entitled to protection. At the same time, it can be clearly shown that early integration is crucial for integration success in the long term (OECD 2016b). In order to find the right balance here, people from countries with low protection quotas are excluded from some measures. Ultimately, it is a political decision whether access to integration measures is granted irrespective of the assumed outlook for residency. In order to avoid conflicting objectives in this area, integration and support measures could focus on those skills that are also helpful when returning to the country of origin, especially basic skills such as reading, arithmetic and writing. This approach, known as "dual intent", is increasingly being pursued by OECD countries because it both promotes integration in the host country and supports a return and lasting reintegration in the country of origin.

Conflicting objectives also exist in relation to the discourse on migration as discussed above. After a large number of asylum seekers arrived in a short period of time in 2015 and 2016, the public and partly also governmental agencies

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97 Humanitarian reasons are also emphasised by a landmark judgement of the Federal Constitutional Court of 2012, which cites the human right to a minimum subsistence level fit for human beings. According to the opinion of the Constitutional Court, this right comprises "both the physical existence of the human being and the securing of the possibility to maintain interpersonal relationships and a minimum of participation in social, cultural and political life. The fundamental right is equally available to German and foreign nationals residing in the Federal Republic of Germany" (Ref: C 713/17). Here, no general distinction should be made on the basis of residency status.

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were concerned about whether Germany would be able to provide for all these people and effectively integrate those who stayed (cf. Chapter 3.2). In consequence, the government tightened the asylum law several times, partly by rescinding former facilitations that had been decided in times of lower asylum application numbers (SVR 2019a, p. 66–72) and partly by introducing new regulations.<sup>98</sup> When making such changes, careful consideration must be given to whether they might also affect the chances of integration for persons with legitimate protection claims. This can lead to high costs not only for the protection seekers themselves, but also for society. A further area of conflict stems from family migration, which is responsible for the majority of migration outside the EU (OECD 2020c). Generally, family reunification is only possible under certain conditions. In the case of family reunification with third-country nationals, it is necessary that the person already living in Germany has a residence permit, a permit for permanent residency-EU or a settlement permit, has sufficient living space and can secure his or her own livelihood. In addition, as a rule, spouses must demonstrate basic German language skills in order to obtain a residence permit. Special restrictions apply to family reunification with beneficiaries of subsidiary protection (cf. in detail Chapter 4.9.1).

Nevertheless, the absence of family members is not only psychologically very stressful for the persons concerned but also problematic in view of the human right to family. It also reduces the incentive to integrate sustainably – for example to learn the German language – because as long as their family is still abroad, the persons concerned often see their own stay as a temporary one. The integration of family members (Poeschel 2019) also takes a lot of time; this can result in poorer educational performance, especially for children, and correspondingly poorer labour market integration later on (OECD 2019c). Rapid family reunification is therefore desirable, especially when children are involved.

Apart from the family reunification mentioned above, the conflict of objectives is particularly pronounced with regard to issues such as the residence obligation (Chapter 4.9.1.), work permits for asylum seekers and tolerated persons (Chapter 4.3.8), the Asylum Seekers' Benefits Act (Chapter 4.7.2.1), state funding of health services (Chapter 4.6) as well as the enforcement of the obligation to leave the country with regard to repatriation and legalisation

(Chapter 4.9.4.). These topics are dealt with separately, even though due to the often unclear interrelationships involved, the Expert Commission only makes a few specific recommendations on how to deal with the conflict of objectives.

Conflicts of objectives can also occur with regard to the length of stay. On the one hand, longer-term residence permits can also increase the migration incentives for people who want to settle permanently in Germany and are therefore also very willing to make the necessary investments in language, education and the like. They are also advantageous for integration because with a longer residency perspective, the returns on investments in integration increase and a long-term perspective is also opened up for employers. On the other hand, issuing long-term residence permits too early can pose risks for the welfare state and reduce incentives to work. In the area of asylum migration, the rapid issuance of long-term residence permits can also lead to disincentives. In this respect, differentiation according to groups of persons that German and European law provide for in this form makes sense, even if the details can always be debated. From a purely legal point of view, the distinction between temporary and permanent permits is too simple anyway. For example, there are judicially enforceable claims for the extension of a temporary residence permit; conversely, the right of residency can also be terminated in the case of an open-ended permit.

Finally, there is a conflict of objectives in terms of labour migration in the low-skilled sector. On the one hand, there is a high demand for labour in many sectors with low formal qualification requirements, such as catering, and this is made more pronounced by the structural shift in many service sectors. On the other hand, the risks of unemployment and benefit claims are higher in these segments of the labour market than in the more highly qualified segments. In this respect, there is also a conflict of objectives in the management of labour migration (cf. Chapter 4.3.3). However, in the view of the Expert Commission, the granting of purely temporary residence permits entails risks. Experience with the so-called recruitment of guest workers has shown that investments in language and education, which are of particular importance for these groups, depend on longer-term residency prospects. Purely temporary migration also contradicts the understandable desire of employers to retain good workers over the

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98 This happened in 2015 with the Asylum Procedure Acceleration Act (Asylum Package I); in 2016 with the Act on the Introduction of Accelerated Asylum Procedures (Asylum Package II), the Act on the Facilitated Deportation of Foreigners with Criminal Offences and on the Extended Exclusion of Refugee Recognition in the Case of Asylum Seekers with Criminal Offences, as well as parts of the Integration Act; in 2017 with the Act on the Better Enforcement of the Obligation to Leave the Country; in 2018 with the Third Act on the Amendment of the Asylum Act; and in 2019 with the Second Act on the Better Enforcement of the Obligation to Leave the Country.



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long term instead of constantly replacing them with new immigrant workers.

The conflicts of objectives described here as examples cannot always be resolved. Scientific approaches can only provide expert guidance for political decision making to a limited extent on account of the often unexplained interdependencies. Frequently, political and normative preferences determine the approaches and measures used. However, it is important to always examine both sides of the equation in order to be able to make a conscious and balanced decision. In any case, to ensure broad social acceptance of the decisions taken, it is imperative that policy makers communicate their decisions clearly and that constitutionally based outcomes are respected.

#### **Recommendations:**

- Conflicts of objectives and dilemmas in the field of migration and integration policy should be stated as clearly as possible by politicians so that priorities become clear and politicians can better weigh their actions.
- In the case of family reunification, priority should be given – not only with regard to protection seekers (cf. Chapter 4.9.1) – to families who have children in their country of origin, as the integration prospects for children are strongly determined by their age when they enter the country.
- Administrative bodies must continue to work on addressing the reasons why the obligation to leave the country is often not enforced in the case of rejected protection seekers and other persons without a right of residency (Chapter 4.9.4). Conversely, it should also be possible to continue to grant legal residency, especially to well integrated people who actually would otherwise have to leave the country.

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# 4 Policy fields of the immigration society

## 4.1 Introduction

In Chapter 3, under the heading “Conflict areas in the immigration society and how they are perceived”, topics were dealt with that are particularly controversial or hold a high potential for conflict: the role of the media in the portrayal of migration and integration; racism, antisemitism, right-wing populism, extremism and terrorism as well as hate crime; crime in the context of immigration; gender relations, religion as well as conflicts of resources and goals. This chapter now deals with more “classical” policy fields in which immigration and integration processes also play an important role – i.e. education and language, work; political, cultural and social participation, (anti-)discrimination, health, municipalities and governance, and housing and urban development. Of course, there are also conflicts and controversies in these areas that arise in connection with migration-related aspects – just as, conversely, the topics in Chapter 3 also need to be shaped politically.

Integration policy not only affects different political levels (federal, state, local) and society as a whole; it is also a cross-sectional policy per se, i.e. it is fed by policies of different departments that have different philosophies. While integration policy at the time of the so-called foreign worker immigration and even until the 1990s focused strongly on integrating immigrants into the labour market with language courses and information on the labour market, there is now a consensus that integration policy is closely related to migration policy, such as policies relating to the management of skilled-labour immigration. Moreover, integration requires efforts in very different policy fields such as: language and education, the labour market, protection and welfare systems, and political, social and cultural participation. Ideally, different departments should work together in the sense of establishing a cross-sectional policy, e.g. including domestic policy and policies for education and science, labour and social affairs, culture and sport (which are structured differently in the states). The actual implementation on the ground must then be carried out by the

local authorities, i.e. the municipalities, cities and districts. Both vertical cooperation between the political levels and horizontal cooperation between the different departments can still be improved in practice.

In addition to the specific policies described below, the state is also responsible for general integration policy measures that are directed at all people in Germany and thus also affect (newly) immigrated persons – e.g. such as policies relating to families, the labour market policy or housing construction.

Integration can only be controlled to a limited extent. The state can create framework conditions that open up equal participation opportunities for immigrants and their descendants. For this purpose, it has various instruments of control (SVR 2018a, p. 78 et seq.): The state can enact laws and regulations (such as those for compulsory education, laws regulating to the labour market and naturalisation, as well as additional regulations), provide services (courses, counselling, support programmes, qualification programmes, social housing) and – in the area of “softer” steering instruments – cooperate with civil society groups (e.g. integration summits, promotion of migrant organisations, integration advisory councils) or use symbols or signals to advertise support for integration policies (“welcome culture”, intercultural opening, naturalisation campaigns). Nevertheless, integration cannot be controlled by the state alone. Rather, it is a process that affects all those involved in a social fabric, and integration measures should also be geared towards the respective local framework conditions (e.g. the local labour or housing market).

Chapter 4 deals with central issues of education and language acquisition (Chapter 4.2) and labour market integration (Chapter 4.3) as the major fields of policy action. Chapters 4.4 and 4.5 deal with the issues of naturalisation, cultural participation, social participation and voluntary work as well as (anti-)discrimination and equality. Access to the health care system is addressed in Chapter 4.6, issues

of shaping integration at the municipal level and access to housing are addressed in Chapters 4.7 and 4.8. Finally, Chapter 4.9 addresses some cross-sectoral challenges in the integration of protection seekers. This group is faced with its own unique set of life situations and problems. Therefore, many but not all challenges in the integration of protection seekers in Germany can be assigned to the individual policy fields previously addressed in Chapter 4. In terms of cross-cutting issues, Chapter 4.9 focuses on the distribution of protection seekers across the federal territory (including the residence obligation that has been in effect since 2016), family reunification with a special focus on beneficiaries of subsidiary protection, questions of the quality of asylum procedures, and the enforcement of the obligation to leave the country.

## 4.2 Participation in language and education

***The diversity of children and young people in the German education system must be unconditionally recognised, accepted and valued. This also applies to their languages of origin and to multilingualism. Due to their very different learning experiences, young people need differentiated promotion and support in order to reduce disadvantages resulting from family background, and especially social inequality. The latter affects children and young people from families with and without a migration history. In addition, language support must be made more effective and professional. An objective indicator for German language skills should be developed so that it can be continuously monitored whether the education system is providing the best possible training for children and young people with insufficient German language skills. To this end, consistent language education is imperative. Rapid and successful language training is also of central importance for newly immigrated adults.***

Educational institutions in Germany are characterised by the diversity of the children and young people who attend them: They, or their families, come from different countries; they speak different languages and they bring with them a broad and highly diverse range of knowledge, attitudes and orientations. This diversity is a reality that must be acknowledged; the challenges it brings with it must be accepted. The more diverse their learning backgrounds, the more challenging it is to support children and young people in educational institutions in a manner that ensures that everyone can maximise and develop their potential.

The basic attitude towards immigration-related diversity in the German education system has changed over the decades. When the recruitment ban was imposed in the

1970s, many labour migrants brought their families to join them. From the very beginning, the so-called education for foreigners introduced in response was paradoxical, because it was intended to promote the integration of the immigrant children and at the same time maintain their ability to return to the country of origin (of their parents); therefore, they were also given instruction in the language of origin (see KMK 1971). This dual objective also justified the establishment of classes for foreigners, as well as “national classes” in which the “children of foreigners” were educated separately. These classes were intended to reduce linguistic and socialisation “deficits” that were identified in the children’s family environment (cf. Bender-Szymanski/Hesse 1987).

In the early 1980s, parallel to the debates about a multicultural German society, intercultural pedagogy began to develop (Nieke 1986). The culture of the immigrants and their children was now no longer regarded as deficient, but as distinct from that of the “natives” (Nohl 2006, p. 9), whereby all “cultures” were recognised as equal. The aim was to learn to live with cultural diversity. With this intention, however, a static understanding of culture was also cultivated. Children from immigrant families were often stylised as carriers of other cultures and thus fashioned into “strangers”. This is why intercultural pedagogy was very soon criticised: It was claimed that the distinction between “own” and “foreign” culture produced contrasts between the “cultures” that were difficult to overcome both theoretically and practically (cf. Diehm/Radtke 1999). This problem was also taken up by intercultural pedagogy itself from the mid-1980s. It abandoned the national and culturally narrow understanding of culture (“the Italians”, “the Germans”) and drew on other features of difference (Hamburger 2009). The interculturally oriented pedagogical concepts developed since the mid-1990s – such as the “pedagogy of diversity” (Prengel 1993) or diversity of education (Georgi 2017) – intentionally focus on multiple layers. Cultural diversity is considered here only as one aspect of many. Instead of culture, these concepts emphasise diversity as a guiding category and experiential reality. Guiding this is the realisation that educational institutions in Germany must prepare all children and young people growing up here for a life shaped by globalisation, migration and diversity.

In terms of education policy, these developments were accompanied by the KMK recommendation “Intercultural Education and Upbringing in Schools” (cf. KMK 1996, p. 5 et seq.), which was fundamentally reworked in 2013. The current version forms a good basis for interculturally oriented pedagogical work. However, it would be important to regularly and bindingly monitor the achievement of the objectives of school and teaching development with regard

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to social diversity; these objectives are also presented in this version. Such diversity monitoring does not yet exist.

For a long time, there were hardly any evaluations in the German education system. Thus, little was known about the attainment level of pupils in Germany and to what extent it was possible to reduce differences in educational success associated with family background. This changed with Germany's participation in the first Programme for International Student Assessment (PISA) study in 2000. This showed that the performance gaps between 15-year-olds from families with a high and a low socio-economic status were more pronounced in Germany than in any other country. The differences according to the so-called migration background of the pupils were also particularly high here. In response to this, the education system has adopted a whole range of measures in the last 20 years to reduce educational disadvantages<sup>99</sup> (cf. KMK 2002). The disadvantages among students from immigrant families observed in PISA 2000 actually seemed to diminish in the aftermath. PISA 2018, however, showed that this development has not persisted (Weis et al. 2020).

The fact that children and young people from immigrant families are disadvantaged in education can be traced back to various factors that are associated with a less favourable initial position. The two most important are the educational background and the associated socio-economic situation of the families, and poor German language skills.

The first factor is not specific to immigration; it also affects children and young people from families without a migration history. Thus, on average, working-class children achieve a lower level of competency and receive a recommendation to attend a Gymnasium less often than children of academics, irrespective of their country of birth and that of their parents. Such disadvantages linked to the socio-economic and educational background of the parents – hereafter referred to collectively as “social disadvantages”, “social inequality” or “social disparities” – are quite pronounced in Germany and must be reduced as a matter of urgency. Although children and young people with a migration history are particularly frequently affected by social disadvantage, this is due to the fact that they often come from families with a lower level of education and socio-economic status (cf. Authors' Group on Educational Reporting 2018). Social disadvantages are therefore a problem for society as a whole. Focusing on children and young people from immigrant families does not make sense and is even counterproductive in some cases.

The second factor is more immigration-specific, as children and young people from immigrant families often have poorer German language skills. Therefore, they have greater difficulty following and participating in lessons. This is especially true for newly immigrated children and adolescents who do not speak German at all or hardly at all; however, it also affects many children and adolescents born in Germany whose parents are immigrants.

This pattern of findings is important for the question as to whether the category of “migration background”, which has been predominantly used as a differentiating characteristic since the first PISA study, is at all meaningful (for the problems associated with this, see Chapter 5.8). Among other things, it implies that immigration in itself represents an educational risk; but this is not the case. Much more crucial are the socio-economic and educational resources of the parents.

The language background of the children and adolescents is also not entirely unproblematic as a differentiating characteristic, as it is predominantly categorised in the field of education on the basis of the first language learned or the language spoken in the family. Indeed, children with a different first language or colloquial language do not necessarily have a poor knowledge of German; conversely, not only those children who (also) speak a language other than German need language training. The central question is ultimately how the education system deals with the different learning preconditions associated with the social background and linguistic socialisation of children and young people. This concerns various aspects such as access to education and support services and their quality, the structure of the school system and the extent to which it reinforces inequality, as well as possible influences of stereotypes and discrimination. The following chapter sections deal with aspects for which the Expert Commission sees a particular need for action. The elementary sector and schools are addressed in Chapters 4.2.1 and 4.2.2. Chapter 4.2.3 deals with the situation of students at universities and Chapter 4.2.4 with that of newly immigrated adults in general. The latter come to Germany for very different reasons and find themselves in a very different life situation than children and young people. However, it is also true for them that their educational background, socio-economic status and knowledge of the German language have a significant influence on the course of integration. The differences are huge: While protection seekers usually speak hardly any German when they enter the country, labour migrants, for example, usually already

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99 The term “disadvantage” is used here in a descriptive sense. It indicates that the situation of a group is less favourable than that of the respective comparison group. In doing so, it makes no assumptions about the causes of the differences, unless these are explicitly named.

have some knowledge of the language. It is therefore particularly important to assess the very different language learning needs of newly immigrated adults and to train them in their language acquisition in a timely and appropriate manner. This applies both before and after entry.

#### Recommendations:

- One of the main focuses of education monitoring by the federal government and the federal states should continue to be identifying social disparities. In doing so, information should be collected and made transparent regarding whether and, if so, to what extent children and young people from immigrant families are particularly affected by this. When examining immigration-related inequalities, a fundamental distinction should be made between persons born abroad and persons born in Germany who are descendants of immigrant parents. By contrast, educational outcomes do not need to be differentiated according to groups of origin, as this is generally not very informative.
- The Expert Commission recommends that the federal government and the federal states (Conference of Social Affairs Ministers and Conference of Ministers of Education and Cultural Affairs, respectively) each develop an objective indicator for the elementary and school sectors and for the adult sector that indicates whether and to what extent individuals need special support with their German language skills (analogous to the English Language Learner (ELL) concept in the USA and Canada). The indicator for poor German language skills would have to be based on test-based assessment procedures that meet diagnostic quality criteria. A possible term for this would be, for example, “DaF-/DaZ-learners” (German as a Foreign Language / German as a Second Language). This indicator should be used in education monitoring, but also in integration monitoring activities conducted by the federal government and the states, in order to continuously examine the extent to which the education system succeeds in adequately supporting children and young people with poor German language skills, and the extent to which language support for adults achieves the intended goals. As we move into the future, the monitoring of educational participation should no longer be done for children and young people “with a migration background”, but instead for DaF/DaZ learners.

- In the case of measures to reduce inequalities launched by the federal government and the federal states, clear goals must be defined and the effects evaluated according to the usual quality criteria (cf. Standards for Evaluation (DeGEval) 2016). The evaluation procedure as well as the results must be presented transparently. This should become common practice in the education sector and is applicable to all subsequent measures proposed. The respective ministries need to develop standards for the planning and implementation of evaluations and continuously provide information about these on their websites.

## 4.2.1 Elementary sector

### 4.2.1.1 Early access to daycare facilities and cooperation with parents

*Children and young people from immigrant families must have access to educational opportunities at the earliest stage possible. This applies to new immigrants as well as to those whose families immigrated some time ago. In the elementary sector, this is especially important for children who have little contact with the German language in their families. Parents should be motivated through appropriate information and counselling measures to make greater use of early childhood education services.*

Language development takes place first in the family. The degree of linguistic and general cognitive stimulation in the parental home differs considerably. It is associated with the educational background of the family and in turn impacts success at school (cf. Anderka 2018 and Lehl 2020a). Therefore, it is important to inform parents about the importance of language stimulation and to provide appropriate training services. It is not a matter of prescribing to parents which language this should be done in. What is important is the quality of the language spoken and that the family communicates in a way that promotes the cognitive and social development of the children. This is independent of the language chosen because the conceptual knowledge acquired in the family language can be transferred to other languages, as can certain aspects of linguistic competence (cf. Kempert et al. 2016). At the same time, the acquisition of a language also depends on how early acquisition begins and how frequently the language is used. If children do not speak German or hardly speak German at all in the family, it is of pivotal importance that they attend a child daycare facility and thus gain early access to the German language so that they can learn it well, and so that language development takes place in a coordinated bilingual or multilingual manner (cf. e.g. Rosella/Sánchez Oroquieta 2017). A particularly sensitive phase for this is the second and third year of life.

The number of children using daycare services has risen continuously. However, immigrant families continue to use these services less frequently than non-immigrant families. In the group of three- to six-year-old children without a migration background, the childcare rate is now almost 100 per cent. For children from immigrant families, it had risen to 90 per cent by 2015, but then dropped again and was only 81 per cent in 2019 (SVR Research Area 2020). The difference is even greater with regard to children under three years of age: In this group, 42 per cent of children without a migration background were in daycare in 2019; the figure for children with a migration background was only 21 per cent (SVR Research Area 2020). Children from immigrant families thus come to daycare facilities at a later age on average. Moreover, the participation rates are particularly low for children from families seeking protection because in most federal states they only acquire a legal entitlement to child daycare once they have left the initial reception centre (SVR 2019a). This means that fewer children from immigrant families benefit from the positive effects that attending facilities in the elementary sector can have, especially on the development of linguistic competence (Becker/Biedinger 2016).

Close interaction with parents is one way of supporting these positive effects. This form of educational partnership is of central importance for successful educational integration (cf. Henkel 2016). The results of a recent study, for example, indicate that daycare attendance by children with refugee experience also significantly improves the social integration of their mothers (cf. Gambaro et al. 2019). According to this study, mothers especially establish closer social contacts with other parents and rate their German language skills more positively when their child attends a daycare facility. Furthermore, the evaluation of the federal programme “Schwerpunkt-Kitas Sprache & Integration” has shown that intensive cooperation with families who speak a language other than German at home promotes the children’s language skills (Lehrl et al. 2020b).

It is important for the child’s educational trajectory that the educational partnership between parents and daycare facilities begins as early as possible. This can strengthen and consolidate parental educational competence in the long term. Successful examples of such early intervention programmes in Germany are HIPPY, Opstapje and Rucksack (cf. Sterzing 2011, p. 79).<sup>100</sup>

#### Recommendations:

- The health and youth welfare offices of the municipalities should set up a multilingual digital platform with the support of the federal government and the federal states, whereby this platform should inform immigrant families about important contact points (including paediatricians’ surgeries, citizens’ offices, family centres and adult education centres).
- In areas where many disadvantaged families live, parent-child programmes to support cognitive, linguistic and emotional promotion (such as HIPPY, Opstapje and Rucksack) should be implemented in daycare facilities.
- When children are admitted to daycare, parents should be required to take part in a parent counselling course with a focus on “cognitive and linguistic support in the family setting”; this could be stipulated in the daycare contract. Such counselling courses for parents should be free of charge. Depending on the scope of the measure here, the federal government could support participation for working parents by allowing participation to be credited as educational leave.

#### 4.2.1.2 Further development of the quality of institutions in the elementary sector for the implementation of their educational mandate

***Access to educational programmes alone is not enough to achieve good educational results and reduce educational disadvantages; the programmes must also be of high quality. This is of central importance especially for educationally disadvantaged groups, as these are particularly dependent on institutional support. The elementary sector especially must perform its (language)educational tasks even better. For this, the qualifications of educators must be consistently further developed.***

Empirical evidence has shown that measures to reduce educational inequality are particularly effective when they start early (cf. e.g. Heckman 2006). Accordingly, the elementary sector plays a central role here. In 2004, the Conference of Youth Ministers and the Conference of Ministers of Education and Cultural Affairs adopted a “Common Framework of the Federal States for Early Education in Daycare Facilities for Children”, as a result of which

100 HIPPY, which stands for Home Instruction Programme for Preschool Youngsters, is an early childhood learning programme that was originally developed in Israel and which is accompanied by regular home visits and group meetings. The same applies to the Opstapje programme from the Netherlands and the Rucksack programme from North Rhine-Westphalia. All these programmes have been implemented at different locations nationwide. Among other things, they can contribute to language and learning support and strengthen parental competences.

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the federal states introduced educational plans for the elementary sector. This was a significant change because it underlined the educational mandate of daycare facilities and created a basis for professional guidance at the state level (Diskowski 2009). The educational plans of the federal states differ considerably, but at their core they all define educational areas with which early childhood education facilities are to open up experiential opportunities for children, including areas such as “Communication: Language, Written Culture and Media”, “Mathematics” and “Nature – Environment – Technology” (cf. e.g. Senate Department for Education, Youth and Science 2014). The education plans emphasise the principle of a holistic education starting from childhood. The guiding principle here is the independent education of the child, who is supported and accompanied by the educators in his or her development. The educational professionals have the task of providing stimulating developmental and learning environments without prescribing normative goals and educational outcomes. Accordingly, the educational plans primarily describe which experiential opportunities should be opened up to children in the respective educational areas in order to stimulate independent education. So far, learning goals have not been defined.

Although the educational mandate of daycare centres has been reinforced since 2004 and programmes for early childhood education have been used more frequently, the learning backgrounds of children before school enrolment continue to vary greatly. For example, the various language surveys of the federal states show that a significant number of children need language training. In federal states that subjected all children to a screening test in 2016, the corresponding proportions were, for example, 14 per cent in Brandenburg and 38 per cent in Bremen (Authors’ Group on Educational Reporting 2018). This raises fundamental questions regarding the view that daycare facilities have of themselves and the use of their educational potential. According to the current state of research, the quality of interactions between educational professionals and children in German daycare centres is very high on average in terms of emotional support, but rather weak in terms of linguistic and cognitive stimulation. In moderated play situations and in reading situations, on the other hand, learning support seems to be more pronounced (cf. e.g. Wildgruber et al. 2016; Beckerle et al. 2018). This argues in favour of also creating more planned units for playful learning opportunities to ensure that children with unfavourable learning preconditions develop basic competencies that other children acquire in the family. Time slots are also needed for the preparation and follow-up of such

units. Functional positions and expert counselling should be created in the facilities in order to design and continuously develop such programmes.

For more targeted learning support, the pedagogical staff must be appropriately qualified. Although language education and language training are now included in the training regulations for educators, the specifications differ considerably between the federal states, especially those for teaching “child language development in the context of migration” (cf. Oberhuemer/Schreyer 2017). They range from the summary formulation “dealing with diversity” to differentiated thematic foci such as “first and second language acquisition/support concepts”, “observation and documentation procedures for recording developmental and educational processes, especially related to language(s) acquisition” and “multilingualism in education – multilingualism of children” (cf. WiFF o.J.).<sup>101</sup>

In general, it needs to be clarified how it can be ensured that daycare facilities meet their educational mandate more effectively. The definition of objectives for competencies is predominantly viewed critically in the elementary sector, as it is feared that this narrows the focus of the facilities and enforces “schooling” (cf. e.g. Diskowski 2009). This is understandable; however, it does not exempt us from ensuring that children who have limited knowledge of German or who receive little cognitive stimulation in their families also benefit from the educational potential of daycare centres. The elementary sector must rise up to this challenge. For example, the responsible individuals in the elementary sector and the school sector should jointly clarify which linguistic educational goals must be achieved in order to allow children a solid start to school. Possible starting points could be transition projects that have already been carried out and evaluated (cf. e.g. Faust et al. 2011).

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101 <https://www.weiterbildungsinitiative.de/themen/ausbildung/fachschulen/> [19.08.2020]

### Recommendations:<sup>102</sup>

- All federal states should further develop the educational plans for the elementary sector and introduce binding and verifiable nationwide specifications for the quality of the framework conditions and processes of pedagogical work in elementary educational institutions, especially for language education and language training and for the implementation of the educational mandate in general. The further development of the quality of processes can be supported, among other ways, by providing and continuously developing a quality-checked collection of pre-structured learning programmes, especially for the area of language education, but also for the mathematical and scientific area. Mandatory in-service training must be provided for the pedagogical work in these areas. Furthermore, it must be ensured that the preparation and follow-up of the implementation of pre-structured learning programmes is counted as working time.
- The school or education providers should establish functional positions for the systematic design of educational work in the elementary educational institutions. These positions should manage team development, continuous professional support and further training in the respective institution in the sense of *pedagogical leadership*.
- The focus on “Child language acquisition and language training in the context of migration-related bilingualism/multilingualism” should be made part of the training for nursery school teachers at a national level, and it should also be given relevance in examinations.

#### 4.2.1.3 Early language education and language support

The development of language competence in German forms the cornerstone for social cohesion and also plays a central role for individual chances of success. Programmes for institutional language education and language training should be continuously created and further developed such that they form a coherent system with clearly defined goals, measures and instruments of diagnostics and support, as well as procedures of reassurance about achievements, and clear responsibilities. Since it is

extremely important for further development, especially in the linguistic field, that support is provided at an early stage, the elementary sector has a central role to play here. It must be ensured as far as possible that children develop basic competencies before the transition to school, not only in language but also in mathematics. This requires an appropriate system of diagnostics and targeted support.

### Recommendations:

- The federal states should introduce a scientifically based, practical diagnostic system for all children between roughly three and four years of age (including those who do not yet attend an educational institution). This system should primarily assess language skills, but also basic mathematical skills. Targeted support should be provided on this basis.
- Furthermore, the federal states should utilise tried and tested practical and scientifically validated instruments for formative diagnostics, which educators can then use to observe children’s linguistic competence development, after which they can focus their activities for language education and language training accordingly.<sup>103</sup>
- The programmes for language education and language promotion in elementary educational institutions must be scientifically founded and oriented towards the real (partly multilingual) daily lives of the children. In particular, they should aim to promote basic vocabulary in German in order to prepare children for the transition to primary school (see below).
- Likewise, the qualification concepts to be implemented in the area of language education and language training should be scientifically sound and, if possible, have also been verified in rock-solid empirical studies (e.g. “In conversation with children”, Kammermeyer et al. 2019).

102 In this regard, the Expert Commission on School Quality in Berlin recently presented very well-founded recommendations that can provide good orientation for Germany as a whole (Quality Commission 2020).

103 Here, if necessary, observation instruments such as SISMIK (language patterns and interest in language among migrant children in daycare centres) and SELDAK (language development and literacy among children growing up speaking German) can be used.



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## 4.2.2 Schools

***Schools can best support children and young people – with or without an immigration experience – if they recognise and value the social circumstances of the children and young people as well as their linguistic, cultural and religious diversity. In addition, schools must provide high-quality teaching and learning opportunities that are geared towards individual potential and developmental levels. The opportunities should ensure that all pupils reach a level of competence that enables them to continue learning successfully and participate.***

### 4.2.2.1 Transitions in the school system and the impact of stereotypes on performance expectations

Children and young people from immigrant families are at a disadvantage when it comes to transitions in the school system. They are more often delayed from enrolling in primary school and are less frequently issued a recommendation to attend a Gymnasium than are children without a migration history. In empirical analyses, the differences in school enrolment delays could predominantly be traced back to characteristics of the social origin of the families (especially the socio-economic background). This affects children of immigrants particularly strongly because they often grow up in families facing social, educational and financial risks. In addition, the length of time children have attended a daycare centre and the extent to which they need language training seem to play a role in the decision on when to start school (cf. e.g. Becker/Biedinger 2006; 2016; Gresch 2016).

The evidence is more extensive with regard to the transition to Gymnasiums. First of all, it shows that teachers' recommendations are primarily based on the level of subject-specific competence that the pupils have achieved by the end of primary school. In addition, the research largely agrees that the differences in the Gymnasium recommendations for children from immigrant families and children without an immigrant background can be traced back to differences in the level of competence achieved. Here, given the same performance, the chance of receiving a recommendation to a Gymnasium seems to be similarly high in the two groups (cf. Gresch 2016 for a summary). However, social disparities do persist: For example, again assuming the same performance, children from socially disadvantaged families are less likely to be recommended to attend a Gymnasium than are children from socially privileged families (cf. Dumont et al. 2014). This also affects pupils from families with a migration history particularly

often. However, some studies show that, given the same performance and the same social background, children from immigrant families actually transfer to a Gymnasium somewhat more frequently than children who do not have a family history of migration. This can at least partly be attributed to the high educational aspirations of immigrant families (Gresch 2016).

In order to reduce the disadvantages of children and young people from immigrant and socially disadvantaged families in the transition from primary to secondary school, the development of competencies must be better promoted. This requires high-quality teaching that cognitively activates and supports all pupils (on central characteristics of teaching quality, cf. e.g. Helmke 2017). This should be accompanied by school-based support structures. Analogous to successful international parent education programmes<sup>104</sup>, the use of mentors, who give parents important advice on how they can specifically support their children's development, has proven to be particularly effective (cf. e.g. Gesemann 2015; Landesinstitut für Lehrerbildung und Schulentwicklung 2015). Such mentors can advise parents especially on how to deal with school transition recommendations. These play a central role in the educational trajectory, precisely because in Germany the first transition already takes place after the 4th grade or (in Berlin and Brandenburg) after the 6th grade, i.e. much earlier than in most other countries.

Secondly, it is important to boost efforts that focus on objective performance assessment. This is not about replacing the grade-based transition recommendation – which incorporates a large number of classroom-based performance reviews – with a test-based transition recommendation. However, it should be ensured that teachers receive regular feedback on the extent to which their pupils meet the respective requirements, for example by means of comparative tests. Such feedback primarily serves as a guide for teachers when they design their lessons. At the same time, feedback helps ensure that teaching – and thus also the awarding of grades – is more strongly oriented towards the benchmarks set by educational standards and core curricula or framework curricula.

Thirdly, it is advisable to keep pupils' educational options open for a longer period of time. Several federal states have made this possible by converting their school systems to two-tier systems: Here, in addition to the Gymnasium, there is only one significant type of school in the secondary sector in which all qualifications can potentially

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104 Cf. e.g. Parents in Partnership Ontario, <http://www.edu.gov.on.ca/eng/parents/policy.html> [http://www.edu.gov.on.ca/eng/parents/involvement/pe\\_policy2010.pdf](http://www.edu.gov.on.ca/eng/parents/involvement/pe_policy2010.pdf) [19.08.2020].

be attained, i.e. including the general higher education entrance qualification. However, the extent to which this reduces the social and immigration-related differences in skills development and in the qualifications achieved has not yet been investigated sufficiently (cf. e.g. Baumert et al. 2019; Lenz et al. 2019; Matthewes 2018).

However, pupils' origin characteristics can not only influence transition recommendations and decisions, but also teachers' performance expectations. This can have an impact on learning development. Whereas in the case of transition recommendations, social origin characteristics obviously have an effect in addition to performance, it can be assumed that immigration-related characteristics in particular also play a role in performance expectations.

As social psychological research on stereotypes reveals, social categories such as gender or ethnic-cultural background, which are associated with certain characteristics in a society, can significantly influence how members of the group in question are perceived. This applies to both disadvantaged and privileged groups. In the USA, for example, Asian Americans are considered particularly competent in the academic field, African Americans or Hispanics on the other hand are considered less competent and academically less successful. As far as Germany is concerned, there are findings that people of Turkish origin are seen as less achievement-oriented (Kahraman/Knoblich 2000). Such stereotypes are usually unwitting. They influence how people perceive others and interpret their behaviour – irrespective of whether they consider these preconceptions to be true or not.

Stereotypes are particularly problematic in situations where people are being evaluated and the evaluation has consequences for them. This is regularly the case in educational institutions, both in explicit assessments such as grading and in implicit performance expectations and decisions about what type of support children or young people receive in each case. Research on the stereotype threat also shows that the triggering of negative stereotypes in performance situations (e.g. class tests) can lead to students not achieving the results that they could actually achieve based on their knowledge and skills (cf. Steele/Aranson 1995; Appel/Weber 2017).

Individual studies indicate that the mechanisms described can contribute to the emergence of immigration-related disparities in Germany. For example, in a study by Lorenz et al. (2016), it was shown that teachers expected lower learning progress in the subject German for pupils of Turkish origin than for children without a migration history, even when linguistic performance, general cognitive abilities and motivation were at the same level. In an ex-

perimental study, the grades given by teachers and student teachers for a class assignment were worse for a student with a Turkish name than for a student with a German name (Bonefeld/Dickhäuser 2018).

As part of their initial and in-service training, teachers thus need to be made more aware of origin-based inequalities that exist in transition recommendations in the case of equal performance, and also of how stereotypes affect performance expectations and assessments. Research also shows that it is possible to actively counter stereotypical perceptions. To do so, however, one must be aware of the mechanisms of stereotyping and discrimination and put an emphasis on being unbiased and sensitive to discrimination when perceiving and evaluating others.

#### Recommendations:

- Educational trajectories should be kept open for a longer period of time in order to improve upward permeability. This can ensure that children and young people can realise their achievement potential even if they start out from a less favourable initial position, for example due to poor German language skills. In addition, early childhood education must be strengthened to enable equal opportunities from the very beginning. The path already pursued in some federal states to introduce two-tier school systems should be consistently pursued, whereby it must be ensured that the graduation-related performance standards are met.
- Since transition recommendations depend above all on competence development, teaching must be of high quality and must do justice to pupils with different learning prerequisites. The national education report should regularly document and discuss the extent to which this is achieved.
- School-based counselling and support services (in the form of mentorships) should be implemented and aimed at all parents, but especially at immigrant parents who have little experience with the German education system, in order to provide them with low-threshold and, if possible, multilingual counselling and support in making decisions about education.
- A diagnosis using comparative examinations, which can also be used to collect data on learning development (see Chapter 4.2.2.3), would provide teachers with more frequent feedback on the extent to which their pupils achieve the respective requirements, as measured against general educational standards. This will also provide them with guidance for the design of their lessons.

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**Here is Stefan Löwl's dissenting opinion on the recommendation with regard to the two-tier school system:**

I do not share the recommendation “*The path already pursued in some federal states to introduce two-tier school systems should be consistently pursued, whereby it must be ensured that the graduation-related performance standards are met*” (current line 6141 et seq.) with regard to the explicit endorsement of the two-tier school system. On p. 171 (current line 6077 et seq.), the Expert Commission itself even states that “*the social and immigration-related differences in the development of competencies and in the qualifications achieved [...] have not yet been adequately researched*”.

I am convinced that school must be thought about from the child's perspective. Not all children can reach the same goal in the same way. Children have different talents and different strengths and weaknesses. Therefore, distinctions must be made in order to do justice to each child not only individually, but also in terms of a class as a whole, and to also offer children opportunities to achieve success. This individual support for each child is only possible through a diverse school programme that guides everyone to their best performance. In addition to the tried-and-tested Gymnasium, the vocational secondary school has become firmly established as a second pillar on the path to a school-leaving certificate (for example in Bavaria): Around 40 per cent of all higher education entrance qualifications in Bavaria are obtained primarily through vocational education, i.e. outside Gymnasiums. Early differentiation also has no effect on possible (later) educational success due to the principle of “*keine Abschluss ohne Anschluss*” (“no graduation without connection”).

There is no empirical evidence that I know of for the claim that the divided school system cements social inequality, and it also contradicts my local experience in the Dachau district. It is true that there are studies that prove that the choice of school types (pre-)shapes educational and occupational opportunities, and that the categorisation here depends less on the personal aptitude of the pupils than on their socio-economic background, especially their parental home. In more recent studies, however, this tendency has been shown to be declining. For example, the long-term study LifeE (Lebensverläufe von der späten Kindheit ins frühe Erwachsenenalter – Life Courses from Late Childhood into Early Adulthood) concluded that “*working-class children*” who attended a comprehensive school in Hesse are no better positioned in their later careers than “*working-class children*” within a tripartite school system.

Nor does a move away from the tripartite school system correspond to the wishes of parents, as shown, for example, by the so-called Hamburg primary school referendum in the summer of 2010: Here, the common primary school period was to be extended from four to six years, whereby this proposal was rejected by the majority of the population. Even though – without a citizens' consultation – a two-tier school system was then introduced in Hamburg, parents were convinced that children could be supported far better and more aptly in a three-tier school system than, for example, in the “*uniform mush*” of a community school.

The periodic PISA studies also prove the same. Equal opportunity does not mean “*the same for everyone*”, but “*a tailor-made offer for everyone*”. Children are different, and so are their talents. Therefore, the qualifications at secondary and intermediate schools are also justified and important and, especially from the point of view of the business community and future employers, are an important element for the continuation of the – worldwide unique and extremely successful – dual system of vocational education and training (e.g. positions of the skilled crafts in the publication series Baden-Württembergischer Handwerkstag – July 2002).

This is also confirmed by the Education Monitor 2020.<sup>105</sup> For example, Bavaria, with its three-tier education system, is the front-runner here not only in the prevention of educational poverty, as well as in vocational education and training, but especially also in the – most relevant for the recommendations – sub-area of integration. In my view, the connection between social origin and educational success is not particularly promoted in a two-tier school system – as assumed by the majority of the Expert Commission. At least, in my view, this recommendation is not justified and implicitly devalues the three-tier school systems in an unjustified way.

#### **4.2.2.2 Rapid access to the school system for newly immigrated children and youths**

***Children and young people from newly immigrated families must have access to the school system as quickly as possible.***

The participation of children and young people in education in Germany is ensured by compulsory schooling. The point in time at which compulsory schooling for newly arrived children and adolescents begins is regulated differently in the various federal states, however (SVR 2019a).

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105 Cf. <https://www.insm-bildungsmonitor.de/> [10.11.2020].

For example, in some federal states it starts immediately after protection seekers have been accommodated in an initial reception centre, whereas in other federal states it starts three to six months after their arrival in Germany, or even only after they have been assigned to a municipality and have left the initial reception centre. These regulations should be standardised nationwide; it would make sense for compulsory schooling to begin as quickly as possible and for this to be implemented in a binding manner. Children and adolescents of school age should not be allowed to live for several months in initial reception facilities or elsewhere without attending school.

In schools, children and adolescents from immigrant families should participate in regular classes as much as possible, but at the same time receive as much separate training as necessary (and for as long as necessary), whereby such training should be tailored to their respective needs and implemented by appropriately qualified teachers (e.g. additive language support, see below).

#### Recommendations:

- Compulsory schooling should begin as quickly as possible for newly immigrated children and young people nationwide and associated measures should be implemented in a consistent manner.
- The educational mandate of schools must be implemented for all pupils. This includes participation in lessons in all subjects, including sport and swimming lessons, which are usually taught co-educationally, as well as in excursions and class trips. The Expert Commission welcomes the fact that exemption for religious-cultural reasons is not permitted as a rule. The wearing of clothing that covers the entire body should be permitted as a matter of principle if necessary.
- In educational institutions – as in public authorities and other contexts – equally respectful treatment of female and male staff is to be demanded.
- For young people who arrive at the end of compulsory schooling and for whom it is foreseeable that they will leave school without a qualification, it should become obligatory to participate in needs-oriented measures of the transition system in order to acquire central basic competencies for a vocational qualification programme.

#### 4.2.2.3 Language education and language training as a pressing task of school and teaching development

***In a society characterised by immigration, the education system must ensure that all children and young people have sufficient command of the German language in order to be able to achieve an educational qualification. This requires a scientifically sound and practically implementable concept of continuous language education and language support that starts early and encompasses all stages of education. So far, such a concept only exists in rudimentary form in Germany.***

In the German school system, a wide variety of measures for diagnostics and the promotion of linguistic competence exist, some of which are confusing (cf. e.g. overview of language level surveys and additive language promotion in Authors' Group on Educational Reporting 2018, p. 83). In addition, we still do not know enough about the validity of the diagnostic instruments and the effectiveness of the different approaches and measures of promotion. Although programmes such as "Promotion of children and young people with a migration background" (FörMig,<sup>106</sup> 2004–2009; transfer phase: 2010–2013) and "Education through language and writing" (BiSS,<sup>107</sup> 2012–2019; transfer phase from 2020) have generated important momentum for the further development of measures to promote language and reading. However, the system of elementary and school education is still far from a coherent overall concept that is consistently implemented. Here, an overall concept means defining goals for promoting language and reading, identifying and implementing suitable measures and instruments for this purpose, reviewing the achievement of the goals in order to make adjustments if necessary, and assigning responsibilities clearly. A distinction must be made between training for children and young people who enter the system with virtually no knowledge of German and support for children and young people who already speak German but need additional support in acquiring educational language skills.

As explained in Chapter 4.2.2.2, newly immigrated children and young people should take part in mainstream education as quickly as possible. However, pupils with a very poor knowledge of German usually need additional language training, which they must receive for as long as is necessary. In the Swedish school system, for example, a corresponding procedure is implemented with the subject Swedish as a Second Language (SSL). Here, pupils learning

106 Federal-State Commission for Educational Planning and Research Promotion (BLK), <https://www.foermig.uni-hamburg.de/> [19.08.2020].

107 Federal-State Initiative, <https://biss-sprachbildung.de/> [19.08.2020].

Swedish as a second language can choose between this subject and Swedish; both are offered from Year 1 to Year 12. The curricular objectives, requirements and assessment criteria for both subjects are largely identical; in SSL, however, the focus is more on functional language skills and more reference is also made to the multilingualism of children and young people. Such separate offers always bear the risk that pupils perceive them as exclusion and stigmatisation; at the same time, however, they offer the opportunity to reduce educational disadvantages through special support (cf. e.g. Hedman/Magnusson 2018). As a rule, older pupils in particular who enter the German school system with little knowledge of German need several years of training to reach an educational language level.

In Germany, the views on integrated and separate support are polarised: On the one hand, virtually all separate support is rejected for fear of exclusion and stigmatisation; on the other hand, it is assumed that homogeneous learning groups are a basic prerequisite for good support. Such extreme positions need to be transcended. On the one hand, they are counterproductive; on the other hand, the current state of research does not allow any conclusions to be drawn about which ratio of separate and joint teaching is particularly promising. In view of the very heterogeneous learning prerequisites and learning developments of the pupils, it cannot be assumed that generally valid statements can be. Children and adolescents need both, irrespective of whether or not they have a migration history: In other words, they need good teaching in a common setting that does justice to a heterogeneous student body and, if necessary, they also need special or additional and targeted support.

#### Recommendations:

- Language diagnostics, language education and language training must form an integral part of school and lesson development – they must not be limited to the subject of German, but must also include all other subjects. For this purpose, the federal states must train teachers who take the lead in the area of language training in the individual schools – with the support of the school management team.
- The measures implemented in the federal states for quality development and assurance at the level of the individual schools (external and internal evaluation, counselling, training by school supervisors, etc.) must take into account the central role of the promotion of language competence.

- In order to ensure the quality of approaches to language diagnostics and language training nationwide, the federal states should undertake a systematic stocktaking and evaluation of their concepts (goals, measures and instruments of diagnostics and support, procedures for ascertaining what has been achieved; responsibilities), and should do so separately with regard to concepts for newly immigrated children and young people without German language skills and concepts for children and young people with German language skills who need additional training. These concepts should be systematically evaluated.
- In an education system characterised by diversity of children and adolescents, it is particularly important to improve diagnostics on individual learning prerequisites and learning development so that educational institutions can observe the results of teaching-learning processes – both in the linguistic area and in core subjects – and then provide specific follow-up support. Here, too, intensive cooperation between the federal states is recommended – if nothing else for reasons of efficiency because the development of valid procedures is extremely time-consuming. The comparative tests (VERA) form a good basis for this and should be further developed into a computer-based instrument that can be used in individual longitudinal studies.
- Newly immigrated children and adolescents who, according to the indicator described above (“DaF/DaZ-learners”), have poor German language skills should participate in mainstream lessons as quickly as possible, but at the same time receive additional language training related to mainstream subject-specific lessons for as long as necessary (structured immersion). The length of time and the extent to which pupils in preparatory classes receive additional support before and after the transition to mainstream classes must be decided on the basis of valid indicators of linguistic competence (see above).

#### 4.2.2.4 Professionalisation of teachers in the fields of language education, language training and diagnostics

*Successful language education and language training in diverse learning groups characterised by immigration can only be sustained if teachers have professionally sound expertise in these areas. Therefore, language education/language training and diagnostics must be anchored as compulsory content in the initial, further and in-service training of teachers.*

As a nationwide assessment of teacher training programmes shows, the focus on “German as a Second Language” (DaZ) is a compulsory and examination-relevant component of the study programme only in some federal states (cf. Baumann 2017). In the other states, it is listed in the corresponding ordinances as necessary study content, but participation in the courses is optional (cf. *ibid.*, p. 19; SVR 2016, p. 12 et seq.). However, schools need teachers who are qualified for language diagnostics, language education and language training, with a special focus on German as a second language. In the training of teachers in German, however, the basic educational language skills (especially reading and writing), their acquisition, their teaching and their targeted promotion are not addressed sufficiently. This is essential for the primary level, because this is where the basics are formed, but in the secondary level as well many pupils still need training in the area of written language. This holds true above and beyond the subject of German. In subjects such as mathematics or history, teachers must also take into account the linguistic requirements of the subject matter and address them in an appropriate manner.

Last year, a revised version was published of the “Common content requirements for the sciences and didactics in teacher education” (16.05.2019) resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of the federal states. In this version, the aspects “Intercultural Education” and “Language Acquisition and Language Support: Languages of origin, family languages, multilingualism” (KMK 2019a, p. 66) were included in the competence profile of the teaching profession for the primary level (*ibid.*, p. 64), in the profile of the subject German for the lower secondary level (*ibid.*, p. 27f.) and as study content in the teaching profession of special needs education for the special focus on language (*ibid.*, p. 135). Thus the relevance of these topics has been recognised – which was long overdue. Appropriate measures now need to be consistently implemented.

#### Recommendations:

- With regard to the further development of the professionalisation of teachers in the areas of language education, language training and diagnostics, the recommendations presented by the Mercator Institute for Language Support and German as a Second Language for teacher training should be implemented (Baumann/Becker-Mrotzek 2014).
- At universities and teacher training colleges with teacher training programmes, professorships for language didactics with a focus on language training and German as a second language must be established, both for the primary and secondary school sector.

- For primary school teachers specially, but also for teachers of all subjects at secondary Level I, “language promotion”, “didactics and methodology for German as a second language” as well as “language acquisition in the context of migration-related bilingualism/multilingualism and promotion of languages of origin / family languages” should become examination-relevant training content in the first as well as in the second phase of studies nationwide (cf. Becker-Mrotzek et al. 2017). As a minimum consensus, the federal states should decide to introduce a compulsory, examination-relevant module for language training / German as a second language for all teacher training courses (*ibid.*), and ensure that the second phase links directly to the content taught in this module. The aim should be to sensitise all student teachers to the language requirements of their subjects and ways of dealing with them (basic qualification) and to specialise some student teachers in the field of language support. Steps should also be taken to ensure that every school has a qualified language training representative in order to safeguard continuous language education and the implementation of corresponding school development measures.

- All federal states should also ensure compulsory and needs-based further and in-service training for teachers on language education and training (including diagnostics) in the context of immigration-related bilingualism/multilingualism. This training must be based on the current state of research, both in relation to language diagnostics and language didactics as well as in relation to the effective design of teacher training programmes.

#### 4.2.2.5 Promoting multilingualism in everyday life

##### *Multilingualism in the everyday life of children and young people should be valued and promoted.*

In addition to the national or educational language of German, other languages are spoken in many families and passed on to the next generations. In a world shaped by globalisation and economic networking, these languages are becoming increasingly important as a resource, also because they can open up additional opportunities and perspectives for speakers in various occupational fields.

However, irrespective of such considerations of usefulness, it is also desirable for children and young people to develop their multilingualism in writing and to grapple with the cultural references of the languages they speak. The promotion of multilingualism is in line with the goals of the EU’s language policy: According to this, all citizens

in Europe should try to master two languages in addition to their mother tongue if possible (cf. COM 2017).

In Germany, two models have been established for this: According to the first, education for different languages of origin is offered under the responsibility of the state (integration media service 2019); this is aimed at pupils who learn and speak the language in question as their first or family language. According to the second model, languages of origin have the status of a foreign language at school; the lessons are part of the foreign languages offered at school and are aimed at all interested pupils who want to learn the language in question (cf. Engin 2019).

Like the promotion of language competence in German, the promotion of multilingualism also requires well founded concepts that can be implemented in practice. Models already exist for the most commonly spoken languages; these can be further developed and adapted nationwide. In view of the very large number of languages of origin or family languages, it is a great challenge to offer education in the language of origin to all pupils; this is where the education system reaches its limits. However, efforts should be made to expand the personnel and structural capacities in this area and thus to continuously expand the programmes.

#### **Recommendation:**

- The focus of state endeavours must be on promoting competence in the German language. Nevertheless, more should also be done to support the further development of multilingualism among children and young people from immigrant families. It should be in the interest of a society characterised by diversity that, if possible, all states should provide school courses and programmes offers that enable all interested parties – multilingual as well as monolingual pupils – to learn the languages of origin of larger immigrant groups. They also should define corresponding goals and develop strategies for their achievement. It should be ensured that counterproductive side effects (especially segregation) are avoided. The scope of the programmes is to be recorded and documented regularly by the federal states in the national education report, as well as within the framework of their own integration monitoring activities.

#### **4.2.2.6 Diversity of educational specialists and teachers**

*In recent decades, social diversity in Germany has increased significantly. However, the composition of the teaching staff at educational institutions reflects this development only to a very limited extent.*

Educators with their own immigration biographies can – supported by specific further training programmes – take on an important role of bridging the gap here: They can mediate between immigrant parents and educational institutions and, in their educational and upbringing role, serve as important role models for children and young people from immigrant families. Currently, about one-third of the children cared for in elementary educational institutions come from immigrant families, but the share of educational professionals with a migration experience is only 13 per cent (cf. Authors' Group on the Barometer of Skilled Workers 2019, p. 106f.). The discrepancy is even greater in the composition of teaching staff at schools: While the proportion of pupils with a migration background is well over one-third, only 3 to 6 per cent of teachers have a migration background (cf. Massumi 2014).

There are a number of initiatives that try to attract young people with their own or a family migration experience to become educational professionals. These include, for example, the regional orientation days “Diversity in the Classroom = Diversity in the Teachers’ Room”, which have been taking place regularly since the 2014 school year at the universities in Hanover, Göttingen, Oldenburg, Hildesheim and Lüneburg, all of which train students for the teaching profession, as well as at the Osnabrück Studienseminar. The aim is to get pupils with a migration history in particular interested in studying to become teachers. In addition, networks of teachers with an migration experience have been established in some federal states over the last ten years or so – with support from the respective ministries of education. Particularly large and present in various cities are the “Network of Migrant Teachers” in NRW and the “Lower Saxony Migrant Network”.

Further potential could be tapped through the recognition of foreign teaching qualifications, and in particular through the recognition of teaching qualifications with only one teaching subject. While Hamburg, Saxony-Anhalt and Schleswig-Holstein recognise such qualifications as a qualification for the corresponding teaching profession, in Hesse, North Rhine-Westphalia and Saxony such “partial access to the profession” is in principle only possible for teachers from the EU – and in other states only on the basis of a case-by-case examination. Bavaria and Saarland do not provide for recognition at all (cf. Weizsäcker/Roser 2018, p. 12). In addition,

the recognition practices for applicants from third countries are more restrictive than for applicants from the EU (cf. *ibid.*, p. 17).

It would make sense to standardise the different recognition practices of the federal states for foreign teachers from EU countries and third countries and thus regulate the modalities for the aptitude test and the length of the post-qualification phase (adaptation course) uniformly throughout Germany. The possibility of professional post-qualification for teachers with refugee experience is offered, for example, by the model project “Lehrkräfte Plus” (Teachers Plus), a one-year qualification programme that has now been implemented at various university locations and is concluded with examination results (locations including Bielefeld, Bochum, Cologne, Siegen and Duisburg-Essen). Even if there is no recognised teaching qualification, there are ways to enable immigrants to work in educational institutions. This is shown by the project BEFAS (Education and Upbringing in Childhood for Holders of Foreign Degrees in the Pedagogical Field), which has been ongoing in Bavaria since 2013. This project enables immigrants whose academically acquired professional qualification was not recognised in Germany to acquire the Bachelor’s degree “Childhood Educator” through further education studies and thus to work as a fully-fledged pedagogical specialists in elementary educational institutions (Friedrich 2019).

#### Recommendations:

- The federal states should, if necessary together with the federal government, conduct recruitment campaigns for nursery school teachers and teachers with their own or a family migration history in order to increase their share in the pedagogical workforce – taking into account competence-related and legal recruitment criteria.
- At the same time, it would make sense to establish or expand the state’s own networks that offer further training and recruit people with a migration history for the teaching profession.
- It would also be important to standardise the recognition practices nationwide for study achievements gained abroad in pedagogical occupational fields and especially in the teaching profession, both for applicants from the EU and for those from third countries.

#### 4.2.2.7 Support of educational institutions that serve social milieus with special challenges

*Educational institutions face particularly great challenges in terms of social milieus in which the proportion of families with social, educational and financial risk situations is very high. Daycare centres and schools in such contexts need special support in order to cope with this.*

When discussing how to ensure high quality educational services, the question of how to distribute resources and support educational institutions always arises. However, high education spending alone does not guarantee high quality. The crucial factor is rather what the resources are used for – to what extent, for example, the funds earmarked for language training are actually used for this purpose and in an effective way.

In many metropolitan areas and neighbourhoods, children and young people face multiple educational risks as they grow up and learn. In order to cope with the special educational challenges in such neighbourhoods, regional school supervision structures and local support systems must work closely together. How this can be achieved is exemplified by the model project “One Square Kilometre of Education” (Salem 2018), which aims to accompany and support children and young people throughout their entire educational trajectory. In each location, an education network is established around a so-called core primary school. This systematically includes other educational institutions, e.g. daycare centres, child and youth-work institutions, and, depending on local conditions, libraries, migrant self-help organisations and independent educational institutions (*ibid.*). A regular pedagogical workshop facilitates exchange, cooperation, quality assurance and innovation. The first evaluation results document how important well coordinated and targeted cross-institutional cooperation is for the individual support of children and young people and how it can also contribute to a professionalisation of educational specialists and teachers (*ibid.*, p. 224).

#### Recommendations:

- The Expert Commission recommends implementing distribution systems that take into account differences in the need for support of the individual daycare centres or schools in an appropriate way. The allocation of personnel, material and financial resources should in principle be based on actual needs (e.g. proportion of children with poor German language skills, social index) rather than on ascriptive background characteristics (e.g. proportion of children with immigrant parents). Appropriate accountability and evaluation procedures ought to ensure that resources are used adequately.



- It must be ensured that more qualified staff are deployed at pedagogical institutions that face particularly great challenges and that these staff members are professionally supported.
- In neighbourhoods and milieus where the challenges are particularly pronounced, those involved in the education and upbringing of children as well as young people need to work very closely together. Models based on educational networks should be promoted on a permanent basis, provided that they are data based – i.e. that they also monitor how pupils’ competencies develop – have been adequately evaluated according to scientific standards and have proven their worth.
- The voluntary support services that are increasingly provided during holiday periods should be continued in order to ensure the continuous development of language competence in German and to give all children the opportunity to overcome knowledge lags. The services should be professionalised, evaluated and expanded according to need.

#### 4.2.2.8 All-day programmes

In the school sector, all-day programmes offer a variety of opportunities for support that can help reduce educational deprivation. This was one of the main reasons for the expansion of all-day schools in Germany over the last 20 years. The expansion has led to more children and young people taking advantage of all-day schooling: In 2017, the proportion was almost 50 per cent (Authors’ Group on Educational Reporting 2018). Results of evaluation studies indicate that attending an all-day school promotes social learning. However, the findings on the effects on learning success and on the reduction of educational disadvantage are not as clear (cf. e.g. Fischer 2018). Such effects depend on the quality of the education offered by the schools, whereby the linking of lessons and extracurricular activities, which must be ensured through cross-profession cooperation, seems to be crucial. Not even half of the all-day schools appear to meet this requirement (Authors’ Group on Educational Reporting 2018). In this respect, there is a considerable need for further development.

#### Recommendation:

- In all-day schools, extracurricular activities should be linked more closely with lessons in order to exploit their potential for reducing educational disadvantages (as well as for promoting special interests and abilities) and, especially, to ensure needs-based language training.

### 4.2.3 Universities

***The universities must be more open than before to a heterogeneous student body and should guide students to success in their studies. To this end, they must systematically implement and further develop concepts of internationalisation, diversity management and intercultural openness. Counselling structures and special programmes must be expanded at all higher education institutions in Germany in order to ensure support that is geared towards individual needs.***

In the course of the expansion of higher education, overall participation in higher education has risen sharply. This is reflected in the continued surge in demand for and enrolment in higher education. With this has come greater student diversity: The clientèle of higher education today also includes working-class children, older students, international students, students from immigrant families, distance or part-time students and students who initially completed vocational training after finishing secondary school. Educational research summarises these groups under the term “non-traditional students” (Wolter et al. 2015). In response to these changes, higher education development focuses on concepts such as internationalisation, diversity management and intercultural opening (cf. Karakaşoğlu 2014). However, it is by no means the case that all higher education institutions are committed to these concepts to the extent necessary to do justice to the growing diversity of students. It is imperative that efforts be intensified in these areas. Universities can be important catalysts for integration.

Of the 2.8 million students in Germany, more than 25 per cent immigrated to Germany in the course of their lives or grew up in Germany as children of immigrants (SVR Research Unit 2017b, p. 2). The trend is increasing, as Germany is attracting a growing number of students from abroad (cf. Chapter 2.2 on educational migration) and has meanwhile overtaken France as the most popular non-English speaking host country for international students. Germany thus ranks fourth in the world as a destination for students, after the USA, the UK and Australia (Federal Ministry of Education and Research (BMBF) 2019a). In 2019, Germany counted almost 42,000 international graduates. In addition, in the winter semester 2018-19, there were already more than 31,000 students from the eight most common countries of origin of asylum seekers (Syria, Iran, Pakistan, Nigeria, Afghanistan, Iraq, Eritrea, Somalia) who were enrolled in a specialised degree programme at a German higher education institution (German Academic Exchange Service (DAAD) / German Centre for Research on Higher Education and Science (DZHW) 2020).

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A fundamental problem among students with a migration history in Germany is that they frequently drop out of their studies. The drop-out rate for students with a foreign nationality who acquired their higher education entrance qualification in Germany, and who form a subgroup of all students who drop out, is significantly higher than that of students without a migration history (Heublein et al. 2016). Overall, the drop-out rate for the latter is (at least) 28 per cent, while 46 per cent of students with a foreign nationality who acquired their higher education entrance qualification in Germany drop out prematurely, according to current calculations by the German Centre for Higher Education and Science Research (DZHW). Among students with a family history of migration who grew up in Germany, the drop-out rate is thus above average (cf. Kristen 2016; SVR Research Unit 2017b, p. 2). Among international students (foreign students with acquisition of a higher education entrance qualification abroad), the drop-out rate amounts to 45 per cent in Bachelor's programmes (DAAD/DZHW 2020).<sup>108</sup>

The inadequate success in studies on average therefore runs through all immigrant groups. Both international students and those from families with a migration history who acquired their general higher education entrance qualification in Germany often achieve poorer examination results at university. There are many reasons for this, also because the group of these students is very heterogeneous: Some students have come to Germany from other European countries, Asia or Africa for a specific course of study; others are the descendants of people who immigrated from Turkey as labour migrants in the 1960s; and yet others have fled to Germany from Syria in recent years. However, despite these different life situations, they often face similar challenges, according to studies: Compared to their fellow students without migration experience, they tend to struggle more often with language, academic and financial difficulties or social isolation (SVR 2017b). In this context, one can speak of migration-specific inequality (Kristen 2016).

Students with a "migration background" according to the previous definition of the Federal Statistical Office (cf. Chapter 5.8) comprise the children of (ethnic)re-settlers, foreign students with foreign citizenship and a German higher education entrance qualification, German students with at least one parent with foreign nationality, children of naturalised parents and naturalised students who may have only German nationality or also dual nationality. Many of them are the first students in their families ("university pioneers"), i.e. classic upwardly mobile students. In addition, they are often socio-economically underprivileged (Hinz/Thielemann

2013). For international students, studying is made more difficult by language barriers and by the unfamiliar study and learning culture to which they first have to get used to. Many protection seekers who have taken up studies in Germany are also confronted with such difficulties. That's because they too must first of all meet the language requirements in addition to the academic requirements, and also ensure that they can finance their studies in one way or another.

The interest in tertiary education is rather high. It is important to take the interests of different immigrant groups more strongly into account when designing the standard programmes at the universities. This includes, for example, a clearly structured study entry phase, which makes it possible to recognise subject-specific and linguistic backlogs in good time and to compensate for them with tailor-made programmes (such as study preparation through orientation programmes, intercultural training and subject-specific language courses, as well as language, subject-specific and social counselling that accompanies studies and transition management programmes for entering the labour market). Such programmes should help significantly reduce the drop-out rate. In principle, one of the main goals of reform efforts in the higher education sector must be to increase student success.

In 2015, the Federal Ministry of Education and Research (BMBF) initiated a package of measures to integrate protection seekers eligible to study at German universities and implemented it with the support of the German Academic Exchange Service (DAAD). Between 2016 and 2019, around 30,000 refugees took part in a course as part of these higher education programmes (DZHW 2020, p. 6). More than 600 initiatives at higher education institutions are working to ease the way for students with a refugee history into and through their studies.

Two model projects should be mentioned here as examples: "Integra" and "NRWege ins Studium". The Integra programme was developed jointly by the BMBF and DAAD. It is intended to offer protection seekers, irrespective of their residency status, the opportunity to prepare for studies at a German higher education institution; in doing so, it can help them quickly enter university and successfully complete their studies. The programme "NRWege ins Studium", which was launched in 2017, is based on the integration model of the North Rhine-Westphalian Ministry of Innovation, Science and Research to support protection seekers with direct university entrance qualifications who are able and willing to study. Its aim is to integrate protection seekers into studies at a higher education institution in North Rhine-Westphalia.

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<sup>108</sup> The DZHW statistics can only determine the drop-out rates for three groups: (1) international students (drop-out rate: 45 per cent), (2) Students with foreign nationality who live in Germany (drop-out rate: 46 per cent) and (3) German students (drop-out rate: 28 per cent). A precise drop-out rate is not available for the total number of students with their own or a family migration history.

## Recommendations:

- The concepts of internationalisation, diversity management and intercultural opening must become an integral part of higher education development. This includes giving greater consideration to the needs of different immigrant groups when designing regular programmes at universities, and implementing needs-oriented counselling and support services.
- Institutions and organisations responsible for the school sector and the higher education sector (especially KMK, BMBF, Conference of University Rectors (HRK)) are called upon to develop a joint strategy to reduce drop-out rates, which are altogether too high.
- The Commission welcomes the continuation of existing higher education programmes for protection seekers and the opening of the programmes to international students. It suggests that these programmes be sustainably expanded and made permanent in order to enable and further facilitate access to higher education for protection seekers. This is to be accompanied by evidence-based research.

### 4.2.4 Newly immigrated adults in the education system

#### 4.2.4.1 Initial situation/framework conditions

For adult immigrants as well, knowledge of the German language is pivotal for successful integration and social participation. The German population also sees knowledge of German as one of the most important criteria for entry into Germany – and as the most important factor for successful integration; this is shown, for example, by data from the Eurobarometer and the European Social Survey (Drazanova et al. 2020). In a 2012 survey of 1,100 companies conducted jointly by the German Chamber of Industry and Commerce (DIHK), the Federal Ministry of Labour and Social Affairs (BMAS) and the Organisation for Economic Co-operation and Development (OECD), respondents ranked language skills ahead of formal qualifications as the most important competence for migrants (OECD 2013, p. 130). Promoting language acquisition among new adult immigrants is also an important prerequisite for them to be able to meet the legal expectation of the ability to use the German language, especially when dealing with authorities.

There are very different degrees of language learning needs among immigrants, but also among people without a migration history. While language acquisition for children and

young people is institutionally supported in daycare centres and schools, a separate system is needed for adults.

The “Gesamtprogramm Sprache” (Comprehensive Language Programme) systematically combines the corresponding language courses offered at the federal level. The central components of this programme are the integration course pursuant to Sections 43, 44 and 44a of the Residence Act, which is the responsibility of the Federal Ministry of the Interior, Building and Community, and the subsequent job-related German language training pursuant to Section 45a of the Residence Act, for which the Federal Ministry of Labour and Social Affairs is responsible. Both programmes are administered by the Federal Office for Migration and Refugees (BAMF). The overall language programme is designed as a modular system that offers different courses according to existing skills. Depending on prior knowledge and individual learning progress, continuous support is possible from “zero prior knowledge” to competent language proficiency (C2). The federal government provided a total of around €1.2 billion for the overall language programme in 2019.

Before the Immigration Act came into force in 2005, language training in Germany was limited to certain immigrant groups (e.g. ethnic re-settlers and foreign workers) for whom there were also different courses depending on the group. The language courses offered were correspondingly confusing and incomplete (Liebig 2007). The Immigration Act then introduced the integration courses. They consist of a language course, which as a rule comprises 600 teaching units (UE) (or 900/1,200 UE in the case of special courses), and an orientation course with 100 UE. The integration course is the beginning of the integration process. On the one hand, it aims to impart knowledge of German at level B1 (in the literacy course: A2) of the Common European Framework of Reference for Languages (CEFR), and on the other hand, knowledge of the legal system, culture and history of Germany. In terms of its underlying concept, it is thus an offer for basic language acquisition, and not a measure for labour market integration. In addition to the general integration course, there are seven special integration courses – for people who cannot yet read and write well enough; for people who need to learn the Latin alphabet; for parents; for women; for young people; for people with good learning abilities; and for people with impaired vision or hearing. In international standards, this is a considerable degree of differentiation, and Germany is one of the pioneers in this respect (OECD 2020a); cf. the Integration Course Ordinance for differentiation according to groups of people and participation options).

The integration course system is regularly examined and evaluated. In addition to process evaluations by

management consultancies (Rambøll Management/BMI 2006; McKinsey/Rambøll 2016), a comprehensive impact analysis was carried out between 2007 and 2011. Here, a so-called integration panel was used to survey course participants and a control group several times (Schuller et al. 2011). The results showed that the integration courses had a positive effect in principle. Immigrants with poorer prerequisites for acquiring German benefited most of all from participating in the courses. The evaluation also showed that the effects were sustainable and that participation in the integration course made it easier to gain employment (Lochner et al. 2013).

These days, more people with a refugee experience are taking part in the integration course. The courses have been re-evaluated since 2018 in order to take this into account. Initial findings show that women with small children who are seeking protection, as well as people unaccustomed to learning, are particularly less likely to take part in an integration course and also learn German more slowly in such courses than other groups (Tissot et al. 2019; De Paiva Lareiro et al. 2020). Nevertheless, international studies indicate that targeted language training measures for women improve language skills and labour market opportunities to a great extent (Liebig/Tronstad 2018).

Occupation-specific language skills are particularly important for labour market integration. Building on the integration course, which is intended to impart basic language skills without a specific occupational reference, the Ordinance on the Promotion of the German Language for Work Purposes (German Language Promotion Ordinance – DeuFöV) anchored the provision of vocational language courses in the structures for regular support on 1 July 2016. Job-related language courses had already been funded by the European Union as part of the ESF-BAMF programme between 2009 and 2017. The target groups of the vocational language courses are people with a migration history who are registered as job-seekers and/or receive unemployment benefits, employees with language training needs and people who require a certain language level for vocational recognition or for access to a profession or training. Enrolment requirements are generally a completed integration course or verified German language skills on the B1 level. Basic courses with a general occupational orientation (from B1 to B2, from B2 to C1; 400–500 units each) and various special courses are offered.<sup>109</sup>

Vocational German language training has also been considerably expanded in recent years. Some 85,000 people took part in the approximately 4,000 ESF-BAMF courses

that were offered and around 700,000 people received authorisation to participate in the professional language courses under the DeuFöV from mid-2016 to the end of 2019; with approximately 25,000 courses having started by the end of 2019, it is estimated that around 450,000 people have participated in the courses.

Evaluations of the ESF-BAMF courses (Deeke et al. 2009; Walter et al. 2014) concluded that course participants initially succeeded less often in integrating into the labour market at the beginning of the project than the control group; this “lock-in” effect of course participation (participants have less time to look for a job than non-participants) has also been observed in other countries (OECD 2020a). Towards the end of the project, however, the course participants caught up. There are plans to evaluate the impact of the current vocational language courses.

In addition to the overall language programme, smaller, specific and/or time-limited measures are offered at the federal level, e.g. low-threshold women’s courses (also called MiA courses) that support language acquisition (see Federal Government 2019a for an overview). Programmes are also offered by the federal states and municipalities. For these, however, there is usually no (publicly accessible) information available about curricula, or on monitoring or even scientific evaluations. This makes it difficult to assess their status in the totality of language course offerings.

In addition to the language courses, comprehensive counselling services are available at the federal level: the Migration Counselling for Adult Immigrants (MBE) and the Youth Migration Service (JMD). If necessary, these organisations will refer people to the relevant agencies and also find them a suitable language course. In addition, they provide advice on childcare issues. However, these services are apparently only known to a limited extent and are therefore not used very often (on protection seekers: Scheible/Böhm 2018; on family reunification: Büttner/Stichs 2014).

#### 4.2.4.2 Acquiring German language skills abroad

##### *Language acquisition should be systematically promoted abroad as well.*

If immigrants already have a command of the German language when they enter the country, their integration into the labour market will be much easier. Unlike in Anglo-Saxon and other countries, where global languages are spoken and acquired, the German language hardly plays a role in most countries of origin of immigrants.

109 Cf. <https://www.bamf.de/DE/Themen/Integration/ZugewanderteTeilnehmende/DeutschBeruf/deutsch-beruf.html?nn=282656> [19.08.2020].

Abroad, German language skills are taught not only by (foreign) schools, but above all by the Goethe Institutes; (potential) labour migrants can especially take advantage of this. Accordingly, not everyone finds opportunities to learn German in their country of origin. In addition, some do not have the opportunity to plan their migration to Germany, which means that only a very small proportion of immigrants speak fluent German upon arrival.<sup>110</sup> Thus, the acquisition of German usually takes place only in Germany, and sometimes with considerable delays. Empirical studies (Jaschke/Keita 2019) show, however, not only that migrants who have already acquired German skills in their country of origin are better integrated into the labour market. They also find that offering language courses abroad increases labour immigration per se.

According to the assessment of the Expert Commission, there are still considerable weaknesses with regard to the possibilities for learning German abroad: German language learning opportunities are still not widespread enough abroad, and in the important countries of origin of migration to Germany, the inclusion of the German language in school curricula is only just beginning.

#### Recommendations:

- German schools abroad should be expanded and the Goethe Institutes should systematically expand their language courses, especially in important countries of origin in terms of EU migration, labour and educational migration and family reunifications in Germany. The associated measures should be supported and funded by the federal government.
- In schools abroad, German as a foreign language should be promoted even more strongly as a compulsory elective subject, for example through cooperation with important countries of origin of migration in the development of curricula, in the (re-)establishment of chairs for German studies and German as a foreign/second language and through the establishment of an interdepartmental office for language policy.

#### 4.2.4.3 Language training for adults

**Preliminary remark: Unless explicitly stated otherwise, the recommendations discussed in the following section**

**refer to the totality of all language offers, i.e. not only to the two central language course systems of integration and vocational language courses.**

#### **Improving and systematically promoting the acquisition of German by adults as part of the overall language programme**

German language skills are a key competence for integration in all areas of society and are also critical for success in the labour market. Against this background, the Expert Commission recommends further expanding and systematising the range of language courses in Germany, developing them further in terms of quality and differentiating them.

The federal government's overall language programme already provides a comprehensive and efficient system for language training. However, this system is currently not transparent and it is also difficult to understand for potential course participants. In addition, the federal states and municipalities offer other programmes because they believe there are shortcomings in the system. Overall, this results in inefficient overlaps and the duplication of services.

#### Recommendations:

- The overall language programme should be further developed into a central language support programme in a partnership between the federal government, the federal states and the municipalities. It would make sense for it to include – as far as possible – components from the federal states and municipalities that might be less in demand if the overall programme were to be opened up (see next section). In this way, the language courses on offer can be streamlined, making them more efficient and clearer in their entirety.
- It is still unclear how much power of control should lie with the municipalities and with the federal government. This mainly concerns the question of course access for different groups of participants; in the view of the Expert Commission, the federal government should be responsible for the basic structure, learning content and course financing. This question should be investigated in a scientifically sound manner in various pilot projects.

<sup>110</sup> According to the surveys of the IAB-SOEP migration sample, 12 per cent of migrants in Germany reported that they had good or very good German language skills when they moved to Germany (cf. Brücker/Bartsch/Eisnecker et al. 2014). 99 per cent of the refugees interviewed in the IAB-BAMF-SOEP survey of refugees said they had no German language skills at all when they moved to Germany (Brücker/Rother/Schupp et al. 2016).

### **Enabling rapid and comprehensive access to language courses**

Not all language courses are open to all groups with language support needs who are potentially eligible to participate. Depending on the status group, applicants have access to integration and professional language courses in various ways, ranging from an obligation to participate to the granting of an entitlement to participate and admission if the courses have available slots. Accordingly, many institutions are involved in the admission process. Sometimes a great deal of time elapses before it is legally, as well as practically, possible for a person to start a course.

For reasons of migration management, asylum seekers and people granted permission to stay have only limited access to integration and vocational language courses. In the view of the Expert Commission, this political decision has favoured the development of parallel support structures at the federal state and municipal level in order to offer programmes to these groups of people as well. Conversely, there is no legal certainty for EU migrants and Germans in need of language training with regard to participation opportunities, even though it was almost always possible to participate in courses in the past.

#### **Recommendations:**

- From the perspective of a comprehensive, resource-oriented education policy, language courses should in principle be open to all persons with language training needs at the earliest possible stage so that loopholes can be closed quickly, enabling active participation in everyday life and the acquisition of further human capital in the sense of education.
- If central language courses such as the integration course were not only open to asylum seekers with good prospects of staying and people who have been granted permission to stay and have access to the labour market, but instead to all protection seekers, a conflict of goals would arise between promoting integration and managing migration, which is not easy to resolve (cf. Chapter 3.9). From a labour market and socio-political point of view, the Expert Commission believes that it has serious negative consequences if targeted language acquisition is not possible and if this delays or hinders the integration of those whose stay continues despite originally having fewer prospects of staying. In addition, language courses incur comparatively low costs – but bring high returns for the labour market and other areas. Investing in language skills will therefore reduce the net burden on the state, not increase it. In the event of a return to

the country of origin, the acquired language skills and the associated educational experience also facilitate re-integration. In this respect, there are good arguments for opening up the courses further (if necessary without a legal entitlement, but within the framework of available slots) – also in order to reduce the number of parallel structures that have come into existence here.

- For EU migrants, the Expert Commission believes that the existing opportunities for participation should be expanded to include a legal right to participate in integration and vocational language courses.

### **Holistic diagnostics and needs-based course classification**

Persons who are entitled to participate in an integration course are currently subjected to a standardised placement procedure throughout Germany in order to determine which course or course section is suitable for them. The individual learning prerequisites and previous learning history are also taken into account. So far, there is no standardised test procedure for this assessment; it is carried out by the teachers in charge of the placement, and the test procedure takes place exclusively in German. The placement system is currently being revised by the BAMF. How the placement is to be conducted for smaller language course programmes remains largely unclear.

For a successful acquisition of the German language, however, not only the individual learning prerequisites and relevant previous knowledge must be taken into account, but also the current motivational situation and life situation. It has been observed that a variety of reasons can lead to an unsuccessful course or even a course cancellation (Schuller et al. 2011; Cindark et al. 2019). Thus, an unsuitable course can under or over-challenge participants and thus demotivate them. Although the vast majority of immigrants want to learn German and undoubtedly recognise the importance of learning German, some people have other motives. The current life situation may also be such or change such that attending a course is currently not (or no longer) possible, for example in the case of illness, moving house, taking up work, giving birth and caring for small children. Research results show here, for example, that the time budget available for homework after the end of the course can influence the success of the course. For example, women who care for children in the afternoons perform worse in terms of language acquisition, even if they participate in the integration course (Tissot et al. 2019). Ideally, therefore, the choice and, if necessary, the resumption

of a language course is guided by all these aspects, while counselling on the choice of course also includes a motivational focus on the importance of active and successful participation.”<sup>111</sup>

In addition to German language acquisition, however, there are other needs and necessities for adults in the language and education sector, depending on their initial situation. For example, some want to acquire a German educational qualification, others need comprehensive basic education and literacy. Education and language for adult immigrants should therefore be thought of holistically and also include offers for basic education as well as educational preparation measures such as school education preparation for training (cf. Chapter 4.3.4).

#### Recommendations:

- Early and differentiated diagnosis of the individual initial position in accordance with an institutionalised systematic approach is pivotal for further language learning success. For this reason, the establishment of corresponding centres should be examined on the basis of an award procedure at the federal level.
- In the diagnostic procedure, the relevant previous knowledge should be ascertained (previous educational experiences, command of the Latin alphabet, knowledge of the German language, professional competencies if applicable), as well as educational aspirations and motivation and the current life situation, but also ideas about future employment. Good diagnostics and a needs-based course classification system will help ensure the success of the courses.
- During the course of the diagnostic procedure, a suitable language course from the overall language programme should be recommended, or the person concerned should be assigned to such a course and informed about the format and requirements. In addition, in the form of multilingual (referral) counselling, information should also be provided – if necessary about the possibilities of catching up on basic education and the (subsequent) acquisition of school-leaving qualifications, as well as about the (vocational) education system in general. Existing counselling centres could get involved in this process.

- Good diagnostics and needs-based course placement will promote course success. Furthermore, active participation is to be aimed for. Administrations could build upon earlier model projects with “integration agreements” and formulate support measures and expectations tailored to individual cases. In the case of unemployed persons, greater use could also be made of the existing possibilities under social law to demand active participation in language courses or (further) education programmes – for example within the framework of social integration agreements.

#### Ensuring the quality of language courses

The integration course and the vocational language course are two highly developed and complexly differentiated language courses that are accompanied by a comprehensive monitoring system and selective scientific evaluation. There are curricula, standardised tests and requirements for the qualification of teachers, whereby all of these are constantly being further developed – also with the support of the evaluation commission for the integration courses. However, this does not apply to all language courses, especially smaller supplementary courses offered by the federal states or municipalities.

#### Recommendation:

- The success of all language training measures should be ensured through continuous and transparent monitoring based on process data. This should also include quality indicators such as passing and drop-out rates. In addition, all measures should be comprehensively evaluated in accordance with scientific standards (including longitudinal control group design, broad-based success indicators), and the results must be published as well. Measures based on the knowledge gained should be implemented as far as possible, even if this leads to higher costs. Especially in the field of language, these costs should clearly be seen as investments in the “public good” of language and education.

#### Further development of in-service language training

In contrast to the integration course, the vocational language courses have only been available since 2016 as a course offering for the teaching of occupation-specific German skills, which still needs to be expanded nation-

111 Finland, for example, has developed a test procedure lasting about one hour that collects information on previous education and foreign language learning experience, as well as learning ability and future plans or motivation (OECD 2018).

wide. At the same time, it is becoming apparent that German skills at or below level B1 and without occupation-specific vocabulary are not sufficient for a skilled job. Studies show that income tends to increase with German language skills or participation in an integration course (Brücker/Croisier/Kosyakova et al. 2019). The few previous model projects at the federal level for protection seekers that attempted to reconcile language acquisition and participation in measures to promote employment (e.g. KompAS or KompBer) were discontinued due to a lack of demand. Studies from other federal states show, however, that in-service language courses directly at the workplace can be particularly effective (OECD 2020a). In Germany, however, corresponding programmes are still scarce.

#### Recommendations:

- The programme of vocational language courses following the integration course should be further expanded in a targeted manner. In addition to the further development of the vocational language courses for trainees (cf. Chapter 4.3.4), a focus should be placed on the further development of the so-called sub-B1 courses. It has been shown that many who do not pass the German test for immigrants even at the second attempt, despite having properly participated in the integration course, need a tailor-made course with a strong practical orientation in order to improve their chances on the labour market.
- So far, there are no nationwide in-service programmes in Germany that make it possible to learn the language and at the same time enter an occupation that is appropriate for education (e.g. via practical phases lasting several months) in order to impart knowledge about professional practices as well. It therefore seems sensible to develop or systematise such programmes and evaluate them.
- The social partners could participate in the development of sector and company-specific solutions for language training – for example by providing time off for participation in language courses, financial support, etc. Such measures could also be included in sectoral collective agreements or company agreements. Wherever possible, these measures should also be implemented directly in the companies.

#### *Giving special consideration to people at risk*

Empirical studies show that certain groups need special training in language acquisition – for example women with small children seeking protection, people who are unaccustomed to learning or are not literate, people who

are in poor health or traumatised and people in rural areas. Here it is important to use and, if necessary, develop possibilities for customisation (e.g. part-time courses, women's courses) and for internal differentiation (e.g. through team teaching by several teachers) within the framework of the overall programmes.

#### Recommendations:

- People with literacy needs usually have a slower learning progression. In this case, low-threshold introductory courses may be necessary, which would then slowly lead to a literacy course. Close integration with other educational measures is necessary, among other reasons in order to avoid excessive demands and failure.
- If programmes for regular care and additional on-site supervision (which already exist in rudimentary form in the integration course) are developed, if participation in a language course is taken into account by daycare providers when allocating slots and if immigrant mothers – and above all protection seekers – are encouraged to use these care programmes for their children, it could improve the compatibility of child care and language acquisition. New immigrants (especially protection seekers) are often at a particular disadvantage when it comes to finding and allocating daycare slots because they are unfamiliar with the system and do not have sufficient command of the German language. This should be compensated for by good and, if necessary, obligatory counselling programmes – and not only in conjunction with attendance in the integration course. In the overall language programme, concepts for courses with part-time options have already been designed; these should be expanded and more strongly advertised and promoted.

#### 4.2.4.4 Teachers in adult education

##### *Preparing teachers for the current challenges*

Teachers play a crucial role in language support not just for children and young people but also for adults. In the case of integration courses and vocational language courses, there are clear qualification criteria for certification as a teacher and a relatively comprehensive range of subsidised opportunities for further qualifications. However, this does not apply to all language courses. It is therefore necessary, on the one hand, to further professionalise the DaF/DaZ teaching profession. On the other hand, in view of the increased challenges, teachers also need to be supported more strongly – if necessary in a financial sense as well. Against this background, the payment of professionals should also be reviewed.



### Recommendations:

- The qualifications of all teachers in German courses for adults should be improved through a nationwide programme for further qualification, which should be made compulsory if necessary. Central aspects here should include dealing with traumatised course participants, teaching political education, dealing with conflict situations, teaching illiterate people, and managing internal differentiation and digital teaching and learning approaches.
- Within the framework of quality assurance, providers could support teachers in particular by expanding supervision and measures for exchanging information and ensuring that teachers are not overworked. Both teachers and course participants consider the “learning and social support” for the integration courses to be very helpful. Such support should also be set up for the vocational language courses.

## 4.3 Participation in work and the impact of migration on the welfare state and the economy as a whole

### 4.3.1 Labor market integration in the context of migration

***Work is the linchpin of successful integration – for the immigrants themselves and for society as a whole.***

***Whether integration into the labour market is successful depends on various factors. A good migration and integration policy cannot influence all of these factors, but it can influence many of them and thus promote integration and participation in the labour market.***

Success in the labour market is an important prerequisite for social participation. Whether, what and how someone works determines not only income, but also social status and thus a number of other important factors such as their housing situation, their children’s education, their social relationships, their cultural participation and much more. Work therefore plays an important role in most people’s lives; this also applies to immigrants. Among the group of protection seekers who are not yet employed as yet, 97 per cent of men and 88 per cent of women stated in a survey that they “certainly” or “probably” want to work (Brenzel et al. 2019, p. 103). In the phase of learning German, the workplace is also an important place to use and perfect the language.

However, integration into the labour market does more than just shape an individual’s existence. It is also a prerequisite for enabling migration to make a positive contribution to the development of the countries of origin. In addition, it is an important prerequisite in terms of getting our society to accept migration. Moreover, it is indispensable if the potential of migration is to be used for the labour market, the national economy and the social security systems. In this context, the question naturally arises as to whether the COVID-19 pandemic will influence these relationships – and if so, how. While it is likely to affect many areas of integration (cf. Chapters 1, 3.8 and 4.6), the labour market, and thus labour market integration, is likely to be particularly affected (cf. box).

### Consequences of the COVID-19 pandemic for the labour market situation of migrants

At the time this report was written, comprehensive data on the labour market situation of immigrants following the outbreak of the COVID-19 pandemic was not yet available. However, initial data from unemployment statistics show that there has been a well above-average increase in unemployment among foreign nationals, particularly those from the main countries of origin of asylum seekers. Data on short-time work and the receipt of basic benefits in accordance with Social Code (SGB) II, which differentiate on the basis of nationality and migration status, are not yet available. For structural reasons, however, it can be assumed that immigrants are disproportionately affected by the economic shock: They are employed far more than average in economic sectors and activities that require a physical presence and cannot be shifted to a home office – e.g. In the hotel and catering industry, in retail and in business-related services such as cleaning and security services. These industries and occupations were particularly hard hit by the lockdowns. Immigrants are also over-represented in the so-called system-relevant occupations, but this cannot compensate for the decline in employment in other occupations. In addition, they are more likely to have fixed-term contracts or shorter job tenure and are disproportionately employed in small companies as well as by temporary employment agencies, which is why they have less protection against dismissal.

The medium and long-term effects of the COVID-19 pandemic cannot yet be estimated seriously because it remains to be seen how quickly and how comprehensively the economy will recover from the shock. However, it is already clear that the current crisis differs from previous ones, such as the financial crisis of 2008-2009. At that time, besides the financial sector, it was mainly

the manufacturing sector that was affected by the global export demand shock, and this sector recovered quickly from the crisis – also due to growing trade with China. The exporting companies had large financial reserves and largely refrained from lay-offs. The service sector with its many small and medium-sized enterprises was hardly affected by the crisis. This time, the manufacturing sector is also affected, but the main focus of the shock is on the service sector, even though demand has increased here in individual branches due to the crisis (e.g. food retailing, mail order). In addition, companies in the service sector are smaller on average and have fewer financial reserves; this will lead to more lay-offs in addition to short-time work. It is precisely in these sectors that there was considerable employment growth in the past upswing and these are also sectors in which immigrants and their descendants are employed far above average.

The medium-term consequences of the crisis will depend on whether the economy will take a V-shaped course, i.e. quickly return to pre-crisis levels, or whether it will take a U- or even L-shaped course, i.e. with a longer bottoming out period. In this case, bridging measures such as short-time work allowances are likely to be insufficient at some point and unemployment will rise, whereby migrants will be affected by in an above-average manner.

Migration acts as a “buffer” in such a crisis: Return migration and falling immigration figures help the labour supply adjust to the demand shock. Other workers benefit from this in the form of higher employment stability. However, the economic and social consequences of the economic shock are thus also partly shifted abroad. The COVID-19 shock will have different effects on the individual federal states in the medium and long term. It is therefore quite likely that in a manner similar to the financial crisis, labour force migration will be redirected to those federal states that recover more quickly than others from the consequences of the shock. In this respect, labour migration, after initially plummeting in the wake of the crisis, could increase with the recovery in the common internal market and in neighbouring federal states. Overall, it can contribute to overcoming the effects of the shock.

To be distinguished from the short and medium-term consequences of the shock are the longer-term developments and structural shifts in the labour market. In view of long-term demographic developments (see Chapter 2.4), the Expert Commission assumes that Germany will continue to have a considerable demand for labour from abroad. The birth rate is declining, including in the population of immigrants themselves, and life expectancy is rising (cf. Chapter 2.3). The demographic transformation has already begun: From 2009 to the end of 2019, the number of German residents of working age fell by around 2.2 million, in 2018 alone by 340,000 people. This decline will accelerate when the “baby boomer” generation reaches retirement age. As a result, there will be fewer people of working age in Germany in future, and they will be faced with an ever larger proportion of those who are no longer employed. This poses considerable risks for the labour market and the social security systems. The extent to which labour force potential – i.e. the total of all people who can and want to work in Germany – will decline in future depends largely on migration (cf. Chapter 2.4.1).

Of course, labour market and social policy should first try to utilise the labour potential of the domestic population (including immigrants already living in Germany). This includes increasing the labour force participation of women and older workers, expanding weekly working hours (especially for women in part-time employment) and extending the working life overall. There are limits to these measures, however. The labour force participation of women and of those over 55 has already risen considerably in the last 15 years and working lives are already being gradually extended. Until the onset of the COVID-19 pandemic, the number of unemployed people had also fallen significantly, as had the number of people participating in labour market measures. This has changed since the outbreak of the pandemic and the associated economic crisis, but these trends are expected to continue as the economy recovers. In the long run, even with optimistic assumptions about the decline in unemployment, the increase in labour force participation of the domestic population and the expansion of weekly and lifetime working hours, the consequences of demographic change can be expected to be felt significantly without migration.<sup>112</sup>

Therefore, in addition to mobilising domestic potential, the labour supply must also be increased in the medium and long term through immigration. However, immigration alone cannot solve these demographic challenges

112 According to the estimates of Fuchs et al. (2017), if the working life is extended to 67 years and the labour force participation of women and older people increases to a realistic degree, the labour force potential could increase by about 2 million persons by 2060 compared to the demographic baseline scenario (i.e. without migration). Nevertheless, in this case the labour force potential would decrease by a good 15 million persons or 33 per cent compared to the base year 2015.

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in the long term. This is because the migrant population is also ageing, and its birth rate is adjusting to that of the population without a migration history. Moreover, the decline in the birth rate not only affects Germany but is instead a global phenomenon. Moreover, competition for qualified labour is also increasing worldwide. In this respect, bottlenecks in the German labour market cannot be overcome easily and indefinitely through migration. Nevertheless, migration can contribute to solving demographic problems, but only if immigrants can be successfully integrated into the labour market.

While there has been considerable success in the labour market integration of migrants over the past decade, there is still a significant gap in labour force participation between Germans and foreigners, or between persons with and without a migration background: For example, according to the European Labour Force Survey, the employment rate for foreign-born persons at the end of 2019 was around 7.5 percentage points lower than for those born in Germany. Their earnings are also lower, even at the same level of qualification. However, from the labour market reform of 2005 until the outbreak of the COVID-19 pandemic, the employment rates of migrants have increasingly converged with the population average. This is especially true for the newly arrived;<sup>113</sup> moreover, the employment rates of these migrants rise with increasing length of stay. Data from the micro census also show that there is much less difference in employment rates between people born in Germany with and without immigrant parents than between immigrants and people whose parents were born in Germany.”<sup>114</sup>

The differences in employment rates have many causes. For example, employment rates are significantly higher among migrants who enjoy freedom of movement and workers who were able to use the access channels for labour force migration than among other groups. Educational qualifications are another factor. In the past, immigrants and their descendants in Germany had lower qualifications on average, as measured by their level of education and training, than persons without their own or a family migration history. This is largely due to the fact that during the phase of so-called guest worker recruitment, manual workers were specifically recruited and after the recruitment stop, it was mainly families who joined these workers (cf. Chapter 2.2.1). However, a reversal of the trend began to ensue at the latest from the beginning

of the 2000s: Among the new immigrants, the proportion of those with a university or higher education degree is significantly higher than the average of the population already living in the country; however, this also applies to the proportion of those without completed vocational training that is equivalent to German vocational training. The strong influx of protection seekers in 2015 has led in the short term to a decline in the proportion of persons with a university degree among recent immigrants and an increase in the proportion of those without vocational qualifications. However, the previous trend continued in the following year (cf. Chapter 2.3). If this continues, the qualification structure of the migrant population will change significantly in the coming decades. It will then no longer be primarily a question of integrating rather low-skilled migrants but instead a migrant population with a very heterogeneous qualification structure. Even today, the educational structure of the population with a migration history can be described as polarised: Here, there is a slightly higher proportion of persons with academic degrees, but also a significantly higher proportion of persons without completed vocational training (DESTATIS 2020b).

This polarised qualification structure of the migrant population corresponds to a polarisation in the spectrum of activities that can currently be observed in the labour market: Contrary to what is often assumed, not only the jobs at the upper end of the qualification spectrum have increased at a far above-average rate, but also those at the lower end. For example, the segment of helper jobs in Germany has grown almost twice as much as employment as a whole since 2012; the same applies to expert and specialist jobs. The growth in helper jobs is not only due to immigrants and their descendants, as about half of it is also due to workers without a migration history. Measured by their percentage in the population, however, the former are more strongly represented in this sector. A similar polarisation in occupations can be observed in the OECD as a whole. It remains to be seen whether this trend will be supported by digitalisation or whether helper jobs will decline because the potential for rationalisation is often particularly high in these areas.

Behind this open question is a fundamental phenomenon: Migration and thus the integration of workers not only adapts to existing activity and production structures, but also continuously changes them through new goods and services, forms of work and technologies. In this respect,

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113 Protection seekers face particular problems in terms of labour market integration, however (see below).

114 For example, according to the data of the micro census, the employment rate of 25 to 65 year olds is 82 per cent among persons born in Germany with a migration background and 84 per cent among persons without a migration background. For persons who have themselves immigrated, it is 74 per cent (DESTATIS 2020b).

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integration is a two-way dynamic process in the economic sphere as well. Migration can influence structures, for example, by increasing the proportion of university graduates or of people without comparable vocational qualifications and by bringing in people from other education systems with different qualifications. This will also change the significance of the classic skilled worker model, which has dominated the structure of employment in Germany to date. However, these developments also entail social and economic risks; for example these trends could increase income inequality and the employment risks among certain groups. A forward-looking integration policy must take these changes in the world of work into account. It must support participation in the labour market and thus social cohesion, for example by offering language training and opening up pathways to education and training in order to limit labour market risks.

In addition to different educational prerequisites, other reasons for the lower employment rates and income of immigrants and their descendants are a lack of or insufficient knowledge of the German language (cf. Chapter 4.2), but also the devaluation of the human capital they have acquired in their home country or other countries. Moreover, the employment rates of men and women differ more among immigrants than among the rest of the population; this disparity is closely linked to the family situation (cf. Chapter 4.3.9). Finally, numerous experimental and other studies show that discrimination in the labour market also reduces the employment opportunities and income of immigrants and their descendants (cf. Chapter 4.5).

Immigration, integration and labour market policies can influence these factors and thus contribute to ensuring that immigrants and their descendants have equal opportunities to participate in the labour market. It should not be overlooked that labour market integration is first and foremost a market process that requires considerable efforts not only from the migrants themselves, but also from companies and organisations such as the collective bargaining parties, business associations, chambers of commerce, trade unions, etc. In most cases, there is no need for state intervention at all; migrants often integrate successfully into the labour market on their own, provided the necessary institutional and other framework conditions are in place.

However, labour market and integration policy can promote and support the labour market integration of migrants. Three policy areas need to be distinguished: First, Germany needs a targeted and holistic labour migration policy. Through the further development of the necessary framework conditions and targeted support measures, such a policy would help to ensure that people who come

to Germany to work (and their family members) have better opportunities to integrate into the labour market quickly and sustainably.

Secondly, the labour market integration of migrants who come to Germany for other reasons, such as education, family reasons or because they seek protection from war and persecution, should also be systematically promoted. There is still considerable untapped potential here, which can be better exploited through support measures and targeted placement activities.

Thirdly and finally, targeted promotion and placement activities can help promote the labour market integration of many immigrants and their descendants who have already lived in Germany for a longer period of time, and also increase their chances on the labour market. Such support measures can range from targeted job placement measures to language training and labour market policy measures, the recognition of foreign qualifications, the promotion of the acquisition of training and university degrees and support for social and cultural integration.

The comprehensive labour market reforms of the Red-Green government in 2004 also influenced labour market opportunities for migrants. The employment and labour force participation rates of the segments of the population with a migration experience (and their descendants) have risen even more strongly since 2005 than is the case for the population as a whole. Even if no causal conclusions can be drawn from this, there is much to suggest that the new benefit structures and the introduction of numerous new support instruments have also contributed significantly to improving the labour market integration of migrants.

Part of the 2004 labour market reforms is the principle of “promoting and demanding”, which also includes enforcing reporting requirements, participation in job placement measures and, if necessary, labour market policy measures with sanctions. These sanctions are mainly imposed due to the violation of registration requirements, and to a much lesser extent due to other violations of obligations. Younger people are much more frequently affected by sanctions; to our knowledge, there is no information on migrants here. These sanctions are particularly controversial with regard to people who are capable of working and receive basic benefits because the sanctions can cause household income to fall below the subsistence level. Empirical studies show that sanctioned persons take on jobs more often than non-sanctioned persons with comparable attributes (cf. e.g. van den Berg et al. 2017). However, such studies also show that sanctions can have undesirable consequences such as withdrawal from the labour market (ibid.). They can also result in considerable restrictions on material

living conditions, including the loss of housing, which in turn makes it more difficult to find work (Götz et al. 2010; Schreyer et al. 2012). Conversely, other studies show that even comparatively mild sanctions lead to a sharp increase in those who take on jobs (van den Berg et al. 2014). Many labour market researchers have therefore come to the conclusion that although the basic principle of “promoting and demanding” has proven itself, the existing sanction principle must be reviewed and undue hardship, which entails considerable social costs and does not achieve the intended effects, must be avoided (Wolff 2019). This view has also been endorsed by the case law of the Federal Constitutional Court.<sup>115</sup> This allows the legislature to enforce proportionate obligations with proportionate sanctions, but requires that the withdrawal of subsistence benefits be subject to particularly strict requirements of proportionality (ibid.).

Against this background, the Expert Commission considers such a differentiated application of the principle of “promoting and demanding” to be sensible in the area of labour market and social policy – provided the chosen measures achieve the desired effects and, in accordance with the case law of the Federal Constitutional Court, the imposed conditions as well as the sanctions are proportionate. This applies, of course, irrespective of the origin of those affected – the yardstick can only be the effectiveness and proportionality of the measures.

In principle, support measures cannot replace the individual’s own initiative, but they can complement it and thus contribute to successful labour market integration. This at the same time essentially determines the social acceptance of further (labour)migration. Only if the employable population, including the immigrants living here and their descendants, is well integrated into the labour market, will the immigration of workers, their family members and other groups meet with broad approval among the population.

#### 4.3.2 Consequences of migration for the labour market, the welfare state and the national economy

***Migration can lead to positive growth effects and improve the fiscal balance of the welfare state if migrants are successfully integrated into the labour market.***

Migration affects the labour market, the national economy as a whole and the incomes of the native population in

various ways: through its employment effects, its effects on labour and capital incomes, growth and production effects, and its fiscal effects for the welfare state. These effects depend largely on how well immigrants are integrated into the labour market.

##### 4.3.2.1 Labour market effects of migration

Contrary to what is often assumed, the wage and employment effects of migration are generally neutral or low from a macroeconomic perspective. Theoretically, in an economy with a fixed capital stock and no foreign trade, the expansion of labour supply through migration would lead to falling wages, rising capital incomes and, on balance, rising incomes of the native population in the country of immigration. Real economies, however, adjust to the expansion of labour supply through investment, capital inflows from abroad, foreign trade and changes to production structures. For example, it is to be expected that as the labour supply expands more money is also invested, so that the capital stock adjusts, at least in the medium and long term, and the wage level and capital incomes remain unchanged at the macroeconomic level (Ottaviano/Peri 2011). Adjustment of goods markets through foreign trade can also lead to the wage and employment effects of migration being neutral, provided production structures adjust to the changes in such a way that the labour supply expanded by migration is used more intensively in the production of goods and services. The structures of foreign trade also change accordingly, so that prices on the goods markets, but also wages and capital incomes, remain unchanged, provided the supply shock through migration is not too great (Gaston/Nelson 2002; Hanson/Slaughter 2002).

However, the expansion of the labour supply through migration may affect different groups in the labour market differently in terms of educational attainment and other characteristics, whereby this depends on the extent to which these groups can be replaced by migrant labour or have a complementary relationship in the production process (Chiswick 1980; Chiswick et al. 1992). For example, when higher-skilled workers immigrate, it should be the case that the more similar the jobs performed, the more the wages of other high-skilled workers can be expected to fall, while the wages of lower-skilled workers will rise, provided they take up complementary jobs. The reverse is true for immigration of lower-skilled workers. However, if the labour market is highly segmented on the basis of ethnic or national origin, then it is not only the level of education that matters but also in which labour market segments the supply of labour increases as a result of migration.

115 Federal Constitutional Court, First Senate Judgement of 5 November 2019, 1 BvL 7/16, para. 1–225 (sanctions in social law).

Against the background of these complex effects, it is essentially an empirical question as to whether migration changes wages and employment opportunities in general, or only does so with regard to individual groups in the labour market. There are more than a thousand studies worldwide that have examined the labour market effects of migration, primarily in the USA, Europe, Israel and other OECD countries. Although the results of these studies are quite heterogeneous, the relevant reviews of the literature conclude that the wage and employment effects of migration are rather small, if they are statistically significant at all (cf. among others Friedberg/Hunt 1995; Borjas 1999a; Dustmann/Glitz 2005; Dustmann/Schönberg/Stuhler 2016). The meta-studies by Longhi et al. (2005; 2006; 2008) come to the same conclusion. It should be noted that migration can also lead to rising wages among the population without a migration history in the countries of immigration if the composition of the labour force already living in the country differs reasonably from the structure of the immigrant labour force in terms of education and training and other characteristics (cf. inter alia Docquier/Ozden/Peri 2014 on the labour market effects of migration in the OECD). In this respect, falling wages or rising employment risks are not to be expected per se.

Numerous studies have examined the labour market effects of migration in Germany as well (including Brücker/Hauptmann/Jahn et al. 2014; Brücker/Jahn 2011; D'Amuri et al. 2010; Dustmann/Schönberg/Stuhler 2017; Glitz 2012; Weber/Weigand 2018). Most studies find no or only very small macroeconomic effects of migration on wages, and only minor negative effects on employment (Brücker/Hauptmann/Jahn et al. 2014; Brücker/Jahn 2011; D'Amuri et al. 2010; Weber/Weigand 2018). The studies by Glitz (2012) and Dustmann, Schönberg and Stuhler (2017) also find no effects of migration on wages, but they do find at least short-term negative effects on the employment opportunities of workers without a migration history.

However, the wage and employment effects turn out very differently for the individual groups in the labour market. According to the available empirical studies, the German labour market is strongly segmented by origin – more so than in the Anglo-Saxon countries, for example. For example, the study by Brücker, Hauptmann, Jahn et al. (2014) shows that workers without a migration history benefit from the immigration of new labour migrants, while migrants already living here come under greater competitive pressure. Lower-skilled workers without a migration history also benefit, while the opposite is true for migrants (Brücker/Jahn 2011; Brücker/Hauptmann/Jahn et al. 2014; D'Amuri et al. 2010). Finally, it should be taken into account that native workers also benefit from migration through so-called lift effects, i.e. through an

increasing probability of advancement in the labour market as migration increases. It can be shown, for example, that native workers begin to specialise in other activities as migration increases, whereby such activities are often higher up in the labour market hierarchy, and the workers therefore benefit accordingly through rising wages (Peri/Sparber 2009).

Overall, according to the available evidence, the labour market effects of migration are much smaller than is often assumed. This is true at least at the macroeconomic level. With regard to the effects on individual groups in the labour market, a very precise distinction must be made in terms of a group's position in the production process, the ethnic or national segmentation of the labour market and the adjustment reactions of the labour force and the labour market. The available evidence suggests that in Germany, workers without a migration history are more likely to benefit from the immigration of new workers, while migrant groups already living in the country compete the most with the newly arrived.

#### 4.3.2.2 Effects on growth and productivity

Migration also affects the level and growth of per capita gross domestic product. Three key mechanisms can be distinguished here: first, the increase in the percentage of the working age population among the total population; second, the change in the employment rate, i.e. the percentage of the working-age population in the labour force; and third, the change in (labour) productivity (Jaumotte/Koloskova/Saxena 2016).

Since immigrants and the migrant population are younger than the population average, migration increases the ratio of the working age population to the population as a whole. In Germany, for example, 79 per cent of the population having their own migration experience is of working age, but only 64 per cent of people with no migration background are of working age (DESTATIS 2020b). The average age upon arrival is 24 (ibid.). From the end of 2009 to the end of 2019, the foreign working age population grew by 3.3 million persons, which corresponds to 6.6 per cent of the working age population in 2009 (BAMF 2020b). Migration has thus not only significantly increased the potential labour force in Germany; it has also contributed considerably to the fact that the ratio of the working age population to the total population has remained almost constant. Without migration, the percentage of the working age population would already have declined significantly in the past decade due to demographic change.

The second mechanism is the change in the employment rate due to migration. This depends on the one hand on

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the employment rate of the migrant population itself, and on the other hand on the impact of migration on the employment rate of other groups in the labour market. At 71 per cent, the employment rate of the population with their own migration experience is somewhat lower than that of the population without a migration background (80 per cent) (DESTATIS 2020). Nevertheless, due to the more favourable age structure, the proportion of employed persons is higher among the population with their own migration experience than among the population as a whole. Since, according to the available findings, migration tends to have a positive effect on the employment of the population without a migration history (cf. Chapter 4.3.2.1), the proportion of the population in employment in Germany as a whole is likely to increase as a result of migration. However, it should be noted that this effect is mainly due to the favourable age structure of the (newly) immigrated. In the long term, of course, the migrant population also ages, so that this effect dissipates, provided there is no repeated new migration.

The third mechanism relates to the productivity effects of migration. These depend on the endowment of physical and human capital per worker and the growth rate of technical progress. Empirical evidence suggests that the physical capital stock adjusts to the expansion of the labour supply resulting from migration, at least in the medium and long term. The level of human capital endowment depends on the educational level of migrants when they move to Germany, as well as their investment in education and training in Germany (cf. Chapter 4.3.3). Due to the polarisation of the educational structure, the average human capital of the population with their own migration experience in Germany is currently still lower than the average of the population without a migration history. However, among newly arrived immigrants, the percentage of male and female graduates and persons without completed vocational training are much higher than the population average (cf. Chapter 4.3.1). In this respect, the endowment with human capital is likely to have rather ambivalent consequences for productivity development.

In the long term, the effects of migration on technical progress are likely to have the strongest influence on growth in Germany. Migration can influence technical progress equally through highly skilled and less skilled migrants: Highly skilled migrants can directly influence the rate of technical progress through innovation, the transfer of technological knowledge and greater diversity of production-relevant knowledge. Lower-skilled migration can influence productivity indirectly, through a change in specialisation patterns in an economy, such as when lower-skilled migrants increasingly provide services that enable other population groups to specialise in

technology-intensive activities. Productivity gains can also be triggered by increased specialisation of lower-skilled workers in manual and communication activities (Peri/Sparber 2009; Peri 2012). Conversely, however, it can also be argued that increasing social and cultural diversity of the labour force increases the costs of communication and transactions, which in turn has a negative impact on the rate of technological progress.

Identifying the effects of migration on technological progress is subject to numerous methodological problems, so the available results should be viewed with some caution (cf. the literature reviews in Jaumotte/Koloskova/Saxena 2016; Peri 2016; OECD 2020b; Chapter 2). A number of studies have attempted to identify the causal effects. They have identified positive effects of migration and ethnic diversity on the growth of per capita gross domestic product and productivity at the national and regional level (e.g. Alesina et al. 2016; Aleksynska/Tritah 2015; Ager/Brückner 2013; Bellini et al. 2008; Docquier et al. 2018; Jaumotte et al. 2016; Ortega/Peri 2014; Ottaviano/Peri 2006; Südekum/Wolf/Blien 2016). With regard to other innovation measures such as patent statistics, many studies also find positive effects – for example in terms of the percentage of foreign students, the percentage of higher-skilled immigrants or the diversity of migrants (Chellaraj/Maskus/Mattoo 2008; Hunt/Gauthier-Loiselle 2010; Fassio et al. 2019; Ozgen/Nijkamp/Poot 2012).

While studies at the macroeconomic and regional level predominantly identify positive effects of migration and diversity on per capita GDP and growth or productivity, the results at the company level are more ambivalent (cf. OECD 2020c; Chapter 2). For Germany, for example, Trax, Brunow and Suedekum (2015) found that increasing diversity through migration increases productivity, especially in industrial firms, while the effects are smaller in the service sector (cf. Brunow/Stockinger 2013). In contrast, a similar study in Denmark identified small negative effects on company productivity (Parrotta/Pozzoli/Pytlíková 2014).

Most studies conclude that higher-skilled migration and an increase in ethnic diversity among the higher-skilled population have positive effects on productivity growth or per capita GDP. In contrast, the effects are ambivalent with regard to lower-skilled migration. While Peri (2012) and Sparber and Peri (2009) also identified positive productivity effects for lower-skilled migration, other studies showed no significant effects for this (Docquier et al. 2018; Südekum/Wolf/Blien 2016), or even negative effects (Bratti/Conti 2014).

Overall, migration can increase per capita GDP growth by increasing the percentage of the working age population,

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provided labour market integration is reasonably successful and the employment rate of the migrant population does not deviate too much from that of the population without a migration history. The findings on the connection between migration and increasing diversity on the one hand, and productivity growth on the other, are subject to considerable uncertainty, but the majority of studies have identified a positive correlation of effects, at least at the macroeconomic level. The polarisation of the skill structure of the migrant population could reinforce these growth tendencies.

#### 4.3.2.3 Migration and the welfare state

The interaction between migration and the welfare state is not only a key issue for public budgets and social security systems but also for the shaping and possibly also the acceptance of migration in Germany. On the one hand, there are considerable fears that an above-average use of welfare state benefits by migrants could endanger the welfare state (e.g. Borjas 1999b). According to some authors, this could also significantly reduce the willingness of the population to support welfare state redistribution and thus endanger the welfare state (Alesina/Giuliano 2011; Miller 2017). Some people go so far as declaring migration and a developed welfare state to be irreconcilable (Friedman 1977). On the other hand, some literature suggests that migration can counteract demographic change and thus contribute to the stabilisation of social security systems and the welfare state (Boeri et al. 2002; Bonin et al. 2000; Thum et al. 2017).

Against the background of these different views, the empirical findings on the effects migration can have on developed welfare states such as Germany are initially discussed here. It is then examined whether migration endangers the social trust of the population that is necessary for the welfare state, as well as the acceptance of redistribution by modern welfare states.

#### Effects of migration on the welfare state

The greatest economic potential, but also risks, of migration exist with regard to the fiscal balances of the welfare state. Several mechanisms of impact can be distinguished (cf. among others Storesletten 2000; Vargas-Silva 2015): On the one hand, immigration of people with lower income and higher employment risks can put a strain on welfare states marked by significant redistribution within the tax and transfer systems. Redistribution within a generation depends primarily on the labour market integration of migrants, which in turn is influenced by migrant categories. For example, the employment rates and income of male and female labour migrants are significantly higher than those of other migrant groups.

On the other hand, the immigration of younger persons can lead to relief for the welfare state if immigration temporarily or permanently increases the percentage of the population of working age and thus influences the redistribution between generations. As stated at the beginning, the low birth rates and increasing life expectancy in Germany lead to considerable risks for the social security systems, especially those for pensions, long-term care and health insurance. Insofar as migration reduces the average age of the population or increases the proportion of people in employment, it can help to alleviate these problems. This is all the more true for welfare states such as Germany where, due to falling birth rates and rising life expectancy, there is currently a strong redistribution from the younger to the older generations. However, migration cannot stop demographic change because the migrant population itself ages and its birth rates converge with those of the rest of the population over time.

The fiscal effects of migration are complex and depend on a number of direct and indirect effects (Storesletten 2000): on the revenue side on taxes and contributions paid over the life cycle, on the expenditure side on the transfer benefits, such as unemployment insurance and basic security benefits, pensions, long-term care and health insurance, the education system and the like. The age structure of the migrant population plays a significant role here: Younger people are usually net recipients of transfer benefits until they enter working life, and the same applies to older people from retirement age onwards. People of working age, on the other hand, are usually net payers. Since most of the migrants who enter Germany are of working age, their age structure – given that all other things are equal – has a favourable effect on the fiscal balance of the welfare state. The same applies to return migration, because many age-related transfer benefits are only portable to a limited extent or can no longer be claimed at all or to the same extent – e.g. health and long-term care insurance benefits in the case of return migration. However, tax payments on pension income and consumption expenditure then also cease. Thirdly, the fiscal effects of migration also depend on the extent to which public infrastructure services – such as transport infrastructure, cultural facilities, etc. – are used. Here, differences in utilisation can have significant effects. Moreover, for many public infrastructure facilities, the cost of provision is independent of the number of people using them, so that a growing number of taxpayers relieves the burden on public budgets. Fourth, migration, through its macroeconomic effects, also affects the incomes of other groups in the population, such as businesses or other workers, who in turn pay taxes and social insurance contributions.

In the public perception, special attention is paid to redistribution through social transfer payments for the



unemployed, such as unemployment insurance benefits or basic benefits for job-seekers (“Hartz IV”). In fact, however, these benefits only make up a small part of the transfer payments of the welfare state. In 2017, for example, of the social expenditure of around one billion euros in Germany – which corresponded to 29 per cent of gross domestic product – around 43 per cent was accounted for by annuity payments, pensions and other old-age provisions, 32 per cent by expenditure on health insurance and continued remuneration in the event of illness, 11 per cent by family benefits and support for education, eight per cent by benefits for the unemployed, such as unemployment benefits and basic security for job-seekers, and four per cent by social assistance for the elderly, the disabled and other groups (DESTATIS 2019h, p. 238; own estimates). This shows that intergenerational redistribution plays a significant role in the fiscal balance of migration. However, the receipt of transfer benefits in old age also depends on the employment histories of the persons concerned, i.e. their earnings and length of employment.

Migration therefore has a positive impact on the fiscal balance of the state and the social systems, especially if labour market integration is successful. Put simply, even if, as in Germany, the labour force participation rates of migrants are lower and these migrants earn less and more often receive unemployment insurance and basic social security benefits, this does not necessarily mean that the fiscal balance of migration is negative. However, the more labour market integration succeeds, the more positive the balance will be.

Given these complex mechanisms through which migration can influence welfare state revenues and expenditures, it is not surprising that the empirical evidence on the fiscal effects of migrants living in Germany and other OECD countries is inconsistent (cf. the literature reviews in Bonin et al. 2020; Liebig/Mo 2013; Rowthorn 2008). Moreover, most studies show that the fiscal effects of migration – whether positive or negative – are on the whole rather small, amounting to  $\pm 0.5$  per cent of gross domestic product. Therefore, the degree of significance depends largely on which assumptions the studies are based on, and which methods they use.

For example, numerous studies examine the static effects of migration on the current balance of revenues and expenditures of public budgets and social security systems (Dustmann/Frattini 2014 and Dustmann et al. 2010 for Great Britain; Bogdanov et al. 2014 for Austria, Germany, the Netherlands and Great Britain; Nymann/Ahlskog 2018 for the member states of the EU and the European Economic Area). Most of these studies identify positive fiscal effects of migration for the current budgets for the

OECD, the EU member states and Germany. For example, Nymann and Ahlskog (2018) identified a positive net contribution of EU migration to public budgets and social security systems in Germany of around 0.4 per cent of GDP. For migrants from third countries, the balance is also positive, but the value is lower. Bogdanov et al. (2014) come to a similar conclusion. In contrast, the OECD (Liebig/Mo 2013) identified a negative net contribution of around 0.5 per cent. However, the data in this study stems from the time before the qualifications and employment rates of migrants in Germany increased significantly.

Many of these studies have an international comparative framework. One of the most interesting recent research findings shows that there is no correlation between the extent of redistribution by the welfare state or the system of welfare state institutions and the fiscal gains and costs of migration. For example, countries with universal welfare state institutions and extensive benefits, such as Denmark and Norway, benefit the most from inter-European migration (Östermann et al. 2019). This may be related to the fact that while migrants are more likely to receive transfer benefits, the payments per recipient are lower in migrant households in almost all OECD countries (Liebig/Mo 2013). This is also related to the fact that access to some social benefits is often restricted for migrants, at least in the early years, and that expensive social expenditures such as pensions and unemployment benefits are based on previous salaries, which are often lower for migrants. In any case, migrants in almost all OECD countries pay more in taxes and contributions than they receive in individual transfers.

Studies on the current balance of migration for the welfare state can be distorted by the fact that the migrant population is also ageing, which shifts the demographic proportions in the population. The calculation of the current tax-transfer balances can therefore yield too favourable a picture – for example because claims to later payments, which exist vis-à-vis pension insurance schemes, are not taken into account. Dynamic analyses therefore attempt to capture the net balance of immigrants and their descendants over the life cycle according to the generational accounting method (cf. Auerbach/Oreopoulos 2000). This often results in additional positive effects of migration, as the public debt passed on to future generations is distributed among more people; this reduces the adjustment burden on public budgets resulting from rising revenues and/or falling expenditures in the case of sustainable budget management approaches. The results of such studies for Germany are somewhat ambiguous: While Bonin et al. (2000) identified a positive contribution of migration to public budgets in such a modelling framework, Bonin (2014) concluded in a later study that given average skill

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structures and labour market integration, as well as similar behavioural characteristics, the adjustment burden on public budgets increases slightly with an increase in net immigration. However, even small improvements in the skill structure and labour market situation of immigrants can significantly improve the net position of public budgets. As shown in Chapter 2.3, such an increase in skills and employment rates is evident among recent immigrants in the past upswing, apart from the special case of asylum migration in 2015 and 2016.

The labour market situation of immigrants, which in turn shapes the fiscal impact, is strongly determined by the migration category. Thus, male and female labour migrants not only have better labour market outcomes, but also a better fiscal impact. In contrast, forced migration, at least in the early years, is associated with net costs. However, the admission of refugees is not based on fiscal considerations, but on humanitarian needs. Moreover, the costs of admission, at least in the first year, are also partly shifted to development aid balances. At the same time, the fiscal effect of forced migration is surprisingly small even in highly developed welfare states such as Sweden, where the proportion of refugees among the population is much higher than in Germany (Ruist 2017).

The studies mentioned so far do not take into account the effects migration has on the incomes of other groups, such as entrepreneurs or other workers who may be in a complementary or competitive relationship with migrants in the labour market. These groups also pay taxes and contributions and may also receive transfer payments, so they must be taken into account in a comprehensive analysis of migration. The situation is similar with regard to productivity and the growth effects of migration. Most studies that take such effects into account identify positive effects of migration for public budgets and social security systems. For example, Aubry et al. (2016), Burzyński et al. (2018) and Battisti et al. (2017) show that when fiscal transfers are taken into account, there are positive welfare effects for the non-migrant population in OECD countries and Germany, even if they are quite small in terms of GDP. According to the analysis of Burzyński and others (2018), the positive welfare effects mainly arise from the positive net fiscal contribution of migration and the enlargement of markets; in Battisti and others (2017), they arise from efficiency gains in the labour market. It must be said with some reservation that although these models take into account the current transfers and tax and contribution payments of migrants, businesses and other groups in the labour market, the depth and detail of the fiscal analyses are not on par with the depth and detail of analyses of net fiscal impacts within the framework of accounting studies.

Overall, the literature does not arrive at uniform results. This reflects the fact that the impact of migration – whether positive or negative – is generally small. The net effect increases with the qualification of the immigrants and their successful labour market integration, and with a favourable demographic structure in this group. With the improved qualification structure of migrants in Germany over the last two decades, and their rising employment rates, the likelihood that the net fiscal impact of migration will be positive has therefore probably also increased. It can be assumed that forced migration leads to net costs for the welfare state – which are, however, controllable. In order to analyse the effects in detail, however, there is still a considerable need for research, for example on the effects of return migration or different immigration routes on the fiscal balance of migration.

### ***Effects of migration on the acceptance of the welfare state and redistribution***

A burgeoning stream of literature explores the question of whether migration challenges the acceptability of the redistribution it triggers in developed welfare states (for a literature review, see Elsner/Concannon 2020; OECD 2020b). On the one hand, such an erosion of the acceptance of the welfare state can be justified by the self-interest of the population, if, for instance, the median voter is made worse off by redistribution in favour of migrant groups (Razin et al. 2002). However, the argument against this is that in a welfare state with intergenerational transfers through contribution-financed pension systems, all or broad groups of voters can also be better off (Razin/Sadka 2000), or at the very least ambivalent effects will be produced (ibid.). In this respect, no clear conclusions can be drawn from these theories, which are based on the self-interest of the voters. In any case, socio-economic differences seem to be more important here than migration status.

Another branch of literature argues that with increasing ethnic diversity, either the trust necessary for welfare state redistribution decreases (Putnam 2007) or the solidarity shown to poorer groups is greater towards members of one's own ethnic group than towards the equally poor from other ethnic groups (Andersen/Bjørklund 1990; Roemer et al. 2007). In both cases, the acceptance of redistribution by the welfare state would decrease.

However, these hypotheses are only partially supported by empirical evidence. For example, some studies conclude that there is either no correlation or a positive correlation between the percentage of migrants among the population, or the ethnic diversity of migrants, and preferences for redistribution by the welfare state (Brady/

Finnigan 2014; Kwon/Curran 2016; Burgeon et al. 2016), while others identify a negative correlation (Alesina et al. 2019; Eger/Breznau 2017; Steele 2016). Mau and Burkhardt (2009) identified a negative correlation, which, however, disappears as soon as differences in regional unemployment rates are taken into account.

Even though some of the literature concludes that there is a negative correlation between the extent of migration and the acceptance of redistribution by the welfare state, it is safe to assume that the effects are relatively small overall. For example, Mau and Burkhardt (2009, p. 226) conclude that the influence of ethnic heterogeneity on the maintenance of the legitimacy of the welfare state is small; political and institutional factors played a greater role. Moreover, interactions between immigrants and non-immigrants are also important for this (cf. Stolle et al. 2008).

There is no or only a weak correlation between the acceptance of migration and its fiscal influence. According to the OECD's comparative study from 2013, Switzerland and the United Kingdom were the strongest fiscal winners of immigration in Europe, along with Luxembourg. However, referendums in both countries expressed considerable scepticism towards immigration.

### 4.3.3 Labour migration

***Effective migration management can have a significant impact on labour market integration. The future viability of our country, among other things, depends on this. Germany needs more labour force migration from third countries, at least in the medium and long term; immigration policy must take this into account.***

From the beginning of 2010 to the end of 2019, about half of the migrants who moved to Germany came from the member states of the European Union and the other member states of the European Economic Area to which the freedom of movement of workers and persons applies.<sup>116</sup> The majority of these immigrated from the new member states of the EU. Nationals from the EU account-

ed for a good 60 per cent of the employment growth of the foreign population in Germany during the same period. Although immigration from the EU and the European Economic Area is not controlled, employment rates here are only slightly lower than for Germans.<sup>117</sup> Obviously, the free movement of workers favours labour market integration: Among the population from the new EU member states living in Germany, for example, employment rates have risen considerably since freedom of movement was introduced for these states.<sup>118</sup> However, it is to be expected that labour force migration from EU states will decline significantly in the coming decades, among other things because living conditions in Europe are increasingly converging, the migration potential has been exhausted and demographic change is also affecting numerous states from which many EU citizens have come to Germany up until now. Fuchs et al. (2019), for example, estimate that net immigration from EU member states will halve by 2025.<sup>119</sup>

Immigration from countries outside Europe is much more prominent in the public perception than EU migration. Basically, the following components of permanent migration can be identified here: Work, family, education and humanitarian reasons (flight). While forced migration is determined, among other things, by the political and humanitarian conditions in the countries of origin and asylum policy at the European level (cf. Chapter 2.3), labour force migration from third countries is an area that Germany can control on its own to a great extent. However, the communitarisation of immigration policy at the European level is also increasing here (Chapter 2.1).

In the case of persons who arrive in Germany for gainful employment, not only is the proportion of those with a vocational or academic qualification higher on average than in the case of other immigrant groups; they also achieve higher employment rates with their available qualifications. For example, third-country nationals who have not completed vocational training and who have received a residence permit for employment purposes have higher employment rates than university graduates who arrived as protection seekers. The evaluation of the West-

116 This concerns Iceland, Liechtenstein and Norway. On the basis of bilateral agreements, Switzerland participates in the free movement of people in the EU.

117 According to the place-of-work principle, the employment rate for EU nationals in April 2020 was 64 per cent, for nationals of the new member states of the first EU eastward enlargement around 66 per cent and for nationals of Bulgaria and Romania 68 per cent. By way of comparison: For German nationals it was 73 per cent (BA - Statistikservice 2020). When comparing the rates, the different age structure has to be taken into account: The employment rates of German nationals in the main migrant age groups are lower than the average.

118 In the case of the countries of the first eastern enlargement round, i.e. the countries that joined the EU on 1/5/2004, the employment rate has risen by 23 percentage points since the introduction of the free movement of workers (1/5/2011); in the case of Bulgaria and Romania it has actually increased by 31 percentage points since the introduction of the free movement of workers (1/1/2014).

119 Even Brexit has not led to an increase in migration from the new EU member states to Germany, at least not so far; on the contrary, a decline in migration from the countries of the first round of eastern enlargement, such as Poland, can be observed.

ern Balkans regulation – according to which nationals of the Western Balkan countries can enter Germany even without completed and recognised vocational qualifications, provided they can prove that they have a job waiting for them – also shows that employment rates are exceptionally high for such groups with no completed vocational qualifications. Moreover, at 0.1 per cent, unemployment and benefit receipt rates are exceptionally low for such groups as compared to other groups with corresponding legal access conditions (Brücker/Falkenhain/Fendel et al. 2020). It is often argued that the Western Balkans regulation leads to low qualifications of migrants and correspondingly low earnings (DGB 2020). In fact, 58 per cent of those who have taken advantage of this scheme are in skilled, specialist and expert jobs, which is a slightly higher proportion than among workers from the new EU member states. The median level of hourly wages here, at 12 euros, is 78 per cent of the median earnings in Germany; it is just as high as the median earnings of other migrants and of young Germans with the same work experience in Germany (Brücker/Falkenhain/Fendel et al. 2020).

Since the Immigration Act came into force in 2005, German law has offered various opportunities for migration for gainful employment, and these were gradually expanded in several steps, especially for the highly skilled, even before the Skilled Workers Immigration Act came into force in 2020. However, the existing immigration opportunities have not been used much thus far. Although the absolute numbers have increased, in 2019 only just over one-tenth of all residence permits were issued to persons from third countries for employment purposes (64,000).<sup>120</sup> This corresponded to about five per cent of the total influx to Germany. This influx was offset by the departure of 22,000 people who had residence permits for gainful employment purposes (BAMF 2020a).

Many migrants who enter Germany through other immigration channels, such as family reunification, the asylum system or educational migration, are also available to the labour market. Educational migration deserves special attention. The influx of students has risen continuously in recent years; in 2019, it comprised 47,000 people, which was offset by 21,000 departures (BAMF 2020a). The number of foreign students who did not acquire their higher education entrance qualification in Germany and were studying at German universities and universities of

applied sciences amounted to more than 400,000 students in the winter semester 2019-20; 80,000 of these were first-year students (DESTATIS 2020b, p. 53). This group offers interesting potential for the labour market because the persons concerned acquire their degrees in Germany and have usually already overcome other hurdles such as the acquisition of German language skills (SVR 2015, pp. 46–49). In fact, labour market integration for this group has been very successful.<sup>121</sup> Many of these foreign graduates of German higher education institutions can imagine staying in Germany permanently (SVR Forschungsbereich 2017c), but only some of them actually stay in Germany after graduation, even though they meet the legal requirements for this. A stronger mobilisation of this potential could have a positive effect on the labour market and the overall economy in Germany.

The recruitment of apprentices abroad has been less successful. In 2019, only 5,000 people moved to Germany to complete vocational training, which was offset by the departure of 1,500 people with a residence permit for training purposes (BAMF 2020a). Obviously, recruiting people from abroad to complete training in Germany is much more difficult than attracting students to German universities and colleges. If it were possible to make more extensive use of the opportunities that already exist by law today for completing training at German companies, positive effects similar to those associated with the employment of foreign university graduates could be expected. The use of these opportunities also depends to a large extent on the commitment of the business community.

The fact that the labour market still makes insufficient use of opportunities for people to move to Germany for employment and training purposes, and also does not sufficiently exploit the potential of foreign graduates, presents a problem for a number of reasons: Firstly, Germany will have to meet its labour needs increasingly from third countries in future if the domestic labour force potential falls and migration from the EU declines. Secondly, among those who have moved to Germany on a visa or residence permit for gainful employment, employment rates are much higher than for other groups, not only in the short term but also over the long term.<sup>122</sup> The only exceptions to this involve people who have obtained a residence permit for education or training purposes. Thirdly and finally, the average level of education and training among third-coun-

120 In total, 60,857 persons moved to Germany with a visa or a residence permit for gainful employment purposes in 2018; 38,682 of them were skilled workers. In contrast, 22,211 persons who had a residence permit for gainful employment purposes left (BAMF 2019a).

121 This is shown by unpublished evaluations based on the IAB-SOEP migration sample.

122 This is also true when education and training levels are taken into account. For example, persons with a university degree who move to Germany as protection seekers have less chance of employment than persons without completed vocational training who have been granted a residence permit for gainful employment purposes.

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try nationals who enter Germany to work is significantly higher than among those who have moved to Germany under other circumstances (again with the exception of those who move for education and training purposes). It would therefore be desirable for more immigration to take place in future via the immigration channels for employment and education purposes.

The federal government and the legislature have recognised this. In March 2020, the Skilled Workers Immigration Act came into force with the declared aim of increasing the immigration of skilled workers, and thus counteracting the decline in the labour force. This is the first time that Germany has clearly committed itself to being a country of immigration (Chapter 5.2). The main changes are that the priority check has been abolished and that skilled workers with vocational qualifications, who were previously only admitted if they were in a so-called shortage occupation, are now put on an equal footing with people with academic qualifications. For immigration via the Blue Card, a certain minimum income is still required in accordance with the requirements of European law. Academic professionals with university degrees must, as in the past, present a binding job commitment or employment contract prior to immigration. In addition, their academic degrees must be recognised. In future, the same will also apply to vocational specialists who, according to these criteria, will be given a possibility of entry in principle that did not exist before. Probably the most important obstacle for vocational specialists is that vocational qualifications must be recognised as equivalent before specialists can move to Germany. This requirement likely contributes to the fact that in many cases people are unable to move to the country as a skilled worker because no proof can be provided that the foreign vocational qualifications – insofar as they exist at all – are equivalent to German qualifications. This is a major obstacle, precisely because only a few other countries have a vocational education and training system that is similar to the complex dual system in Germany (cf. Chapter 4.3.4). An exception is made only in the case of IT specialists, who can move to Germany if they have at least three years of relevant professional experience and their salary exceeds 60 per cent of the contribution assessment ceiling for pension insurance. The number of applications for recognition of professional qualifications from abroad was very low in the past: A total of around 19,100 applications for the recognition of vocational qualifications under federal regulations<sup>123</sup> were submitted from abroad between 2012 and 2018, of which

7,300 (38 per cent) were applications from third countries (Federal Institute for Vocational Education and Training (BIBB) 2020). Nothing is known about the success rates for applications from abroad; however, of the total number of applications from Germany and abroad, around 50 per cent are recognised as fully equivalent (BIBB 2020). Thus, in the past, only a few thousand third-country nationals per year succeeded in having vocational qualifications from abroad recognised.

As part of the Skilled Workers Immigration Act, it was also decided to enable an accelerated recognition process and set up a Central Service Point for Vocational Recognition in order to increase transparency and speed up procedures. However, the structure of the agencies responsible for recognition was retained. The extent to which these measures will actually significantly increase the recognition figures from abroad cannot yet be assessed.

However, even a functioning recognition system will not in itself guarantee the success of the Skilled Workers Immigration Act because the education and training systems of most countries of origin differ considerably from the German system in terms of their structure and quality – and this is especially true with regard to the dual system of vocational training in Germany. In this respect, many qualified skilled workers from abroad have vocational qualifications that are either different or not fully equivalent to those acquired through vocational programmes in Germany. In this respect, the practical success of the Act will depend not only on more efficient implementation of recognition procedures but also on the extent to which alternative access routes are used for persons whose qualifications are not yet recognised as fully equivalent to those in Germany. Such access routes are also already provided for in existing law in Germany, and they have been further expanded by the Skilled Workers Immigration Act.

Overall, the Skilled Workers Immigration Act contains a number of provisions that remove key obstacles to the immigration of skilled workers. These include the abolition of the priority check and a provision that places persons with vocational qualifications on an equal footing with those with academic qualifications. In other areas, the existing provisions have largely been retained – for example in the area of recognition of vocational qualifications as a prerequisite for immigration. It is still too early to assess the effects of the Skilled Workers Immigration Act as a whole and in terms of its individual provisions, whereby

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123 This also includes apprenticeship occupations. In total, 140,700 applications for recognition under federal regulations, 46,100 applications for recognition under state regulations and 92,400 applications for certificate evaluation of academic degrees were submitted between 2012 and 2018. For applications for recognition under state regulations and for certificate evaluations, there is no breakdown by applications from Germany and abroad; in the case of recognition for occupations regulated under federal law, the proportion of applications from abroad is 13 per cent (BIBB 2020).

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this is also due to the fact that the initial figures available do not yet allow any conclusions to be drawn due to the COVID-19 pandemic. Against the background of the expected decline in immigration from EU member states, the immigration of workers from third countries would have to be significantly increased in order to counteract the demographically induced decline of labour force potential in Germany. The federal government itself expects the Skilled Workers Immigration Act to bring about additional immigration of 25,000 people (German Parliament 2019b, p. 5). This would be far too modest to achieve the balance. At the same time, experience with the various amendments to immigration law in the past also does not suggest that the measures now adopted – even under normal economic conditions – will have much effect and significantly increase labour migration from third countries. A few examples illustrate this, whereby these also show areas where potential exists to use the adopted provisions more extensively:

- ▶ Persons with a university or college degree were already able to enter Germany for a period of six months to seek work before the law came into force, provided their degrees were recognised as equivalent and they proved that their livelihood was secure (Section 18c Residence Act (AufenthG)). In 2018, 250 such residence permits were granted, 93 of which were issued to new arrivals. The new Skilled Workers Immigration Act now extends this possibility to qualified skilled workers, i.e. persons with completed vocational training that is recognised as equivalent to training in Germany. It additionally requires German language skills that would allow for the performance of a skilled job (Section 20 of the New Residence Act). Practitioners point out that this regulation also attracts relatively few people in practice because job seekers can alternatively enter with a regular Schengen visa to conduct job interviews.
- ▶ In the past, people were already able to enter the country in order to have foreign vocational qualifications recognised, to complete the necessary qualification measures and to take the corresponding examinations. Furthermore, they can take up temporary employment until recognition (Section 17a Residence Act). Under this regulation, 1,280 residence permits were issued in 2018, 871 of which were issued to persons who had also entered the country in that year. It is now also possible to enter the country for a limited period of time for the recognition of qualifications and to pursue a qualified occupation in non-regulated professions, provided that a job offer is available and the company in question undertakes to compensate for any missing qualifications within the time limit (Section 16d Residence Act). This increases employment opportunities, but sufficient

German language skills at level A2 are usually required as an additional prerequisite.

- ▶ Entry for vocational training was already possible in the past (Section 17 Residence Act) and was used by 5,140 people in 2019. Previously, only the approval of the Federal Employment Agency was required to participate in vocational training. Now, proof of sufficient German language skills is also required (Section 16a (3) New Residence Act). The entry for the purpose of training is to be facilitated by a flat-rate calculation of subsistence (Section 2 No. 3 AufenthG) as well as by adjunctive employment in the amount of ten hours per week (Section 16a (3) Residence Act).
- ▶ The possibilities for making training-related placement agreements with selected countries of origin will be expanded, resulting in coordinated paths for facilitated immigration (for example in the nursing and health sectors) that dispense with a prior equivalence test (Section 16a (4) Residence Act in conjunction with Section 2 of the Employment Regulation). Corresponding agreements are to be signed with Brazil, India, Jordan and Tunisia, among other countries. It is important to bring these agreements to life by developing practical regulations that will ensure they are used.
- ▶ As before, the Skilled Workers Immigration Act contains the regulation that people who have completed a course of study or vocational training in Germany may subsequently receive a residence permit in order to find an adequate job (Section 20 (3) Residence Act). During this time, they may also work below their qualification level. In practice, this is important because many third-country nationals come to Germany to study and sometimes also to train and then want to pursue employment in Germany. There is great potential here for successful labour market integration after such people complete their studies or training.

All of these regulations may be sensible and well founded in detail; in many areas, immigration opportunities for employment and training purposes remain the same, while in other areas they have been expanded. It is therefore not plausible to assume that these regulations by themselves will increase to any great extent the influx of qualified professionals who wish to work and have their qualifications recognised. However, measures such as job-related German language training abroad or the underpinning of the legal framework with various programmes and activities by companies and chambers of commerce can support the momentum. The Expert Committee therefore urges business associations, chambers of commerce and individual companies to enable greater

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use of the existing legal possibilities by implementing new programmes and initiatives. Particularly in the case of entry for the purpose of vocational training or post-qualification according to German standards (which do not exist in a comparable manner elsewhere), third-country nationals will only show interest to a greater extent if the regulations are supported by joint efforts of all parties involved through appropriate initiatives and projects. Here, placement agreements with selected countries of origin can have a supplemental positive effect.

If it is not possible to sustainably increase the immigration of skilled workers via the “detours” of training or post-qualification, sooner or later, in the view of the Expert Commission, the necessity will arise to think about immigration options without formally equivalent training. For persons without a vocational qualification recognised as formally equivalent in Germany, the Skilled Workers Immigration Act has so far offered hardly any immigration options, with the exception of the IT sector. This necessity applies all the more since according to economists, there is a demand for such workers in the labour market not only in the short term but also in the medium and long term, especially since in many cases these are workers who have acquired their qualifications through general education institutions and on-the-job training and who can also carry out qualified professional activities in Germany, as experience to date has shown.

If the labour market recovers and the Skilled Workers Immigration Act does not succeed, even in the medium and long term, in recruiting skilled workers from abroad on a larger scale or in training them in Germany itself, Germany should, in the view of the Expert Commission, amend the Skilled Workers Immigration Act on the basis of an evaluation. Such an evaluation should not only include an analysis of the integration processes of the persons who moved to Germany through the Skilled Workers Immigration Act, but also an assessment of the extent to which the Act has succeeded in recruiting additional skilled workers in Germany and which factors, including the commitment of the business community, have contributed to this. Other immigration countries also frequently reform the conditions for immigration against the background of new findings or changed economic and other conditions. If the Skilled Workers Immigration Act and related programmes of employers, chambers of commerce, trade associations, trade missions abroad, international employ-

ment agencies and other institutions do not succeed in attracting qualified workers from abroad on a larger scale, such a reform would, based on the current state of knowledge, have to tackle the problem of the recognition of foreign vocational and university qualifications. The issue is whether and how to allow the immigration of workers with professional or higher education qualifications that are not or only partially recognised as equivalent here. There are various regulations and ways of doing this that have been successfully tried out in many other immigration countries. According to the empirical evidence so far, persons who had an employment contract or a binding job commitment at the time of entry have a favourable employment prognosis in the medium and long term, even if their qualifications were not (yet) recognised at the time of entry.<sup>124</sup> It can be countered here that the recognition of vocational qualifications as equivalent is necessary to safeguard qualification standards in production or in the provision of services. On the other hand, it can be argued that qualifications acquired in other education systems do not have to be worse per se; they are simply different. In addition, integration into skilled jobs could be secured by imposing certain conditions in the associated employment contracts. After all, there is a substantial amount of experience in Germany with such an approach: Nationals of EU member states – from which the majority of immigrant workers from recent decades originate – do not have to have their qualifications recognised in order to take up unregulated gainful employment; this has not led to any discernible economic disadvantages. However, workers from the EU as well as from third countries are often employed below their qualification level or else succeed in finding a qualification-appropriate job only after a longer period of residence.

In the longer term, however, there is a demand for labour not only in the qualified and highly qualified sectors<sup>125</sup> but also at all qualification levels and especially also in sectors in which many medium or low-skilled workers are employed – for example in the hotel and catering industry, in many service sectors, in the construction industry, in the skilled trades, in parts of the manufacturing industry and in agriculture. It is to be expected that the COVID-19 pandemic will partly interrupt this development, although some of these workers are also employed in system-relevant occupations. In the medium and long term, however, after a recovery from the crisis, it can be assumed that the high demand for labour in these sectors will continue.

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124 Own analyses based on the IAB-SOEP migration sample (Brücker/Bartsch/Eisnecker et al. 2014).

125 In its classification of job requirements, the Federal Employment Agency distinguishes between auxiliary and semi-skilled, skilled, complex specialist and highly complex expert jobs. Here, for the sake of simplicity, all requirement levels that exceed those of auxiliary and semi-skilled jobs are summarised as “skilled jobs” or “skilled workers”.

Since 2012, the number of people employed in unskilled and semi-skilled jobs in Germany has increased about twice as much as the average; the same applies to complex and highly complex specialist and expert jobs. In contrast, in the classic skilled occupations, which account for the vast majority of employment in Germany, it has only increased at a below-average rate. However, a strong demand for labour at the upper and lower end of the qualification spectrum is also contrasted by the fact that unemployment is far above average among people without vocational and academic qualifications. Nevertheless, many jobs in these areas could not be filled in the past upswing; thus, no major predatory competition can be assumed. However, this may change as a result of the crisis, which means this area needs to be monitored particularly closely.

The Expert Committee believes that in terms of low-skilled labour migration, there are conflicts of objectives between meeting labour market demand and ensuring successful medium and long-term integration. It should be noted that low-skilled jobs are also partly performed by more highly qualified people. Some also argue that an above-average increase in lower-skilled labour slows down productivity growth and thus reduces the incentives for the use of new, capital-intensive technologies. However, this can be countered by the fact that technological progress, demographic change and the rising participation of women in the labour force are increasing the demand for services, including simple activities such as household services, services in the hotel and catering industry, home care services, etc. This enables the increasing specialisation of other workers in productive activities in other sectors and thus the exploitation of growth potential in highly productive industrial and service sectors. Overall, therefore, the immigration of lower-skilled workers can also promote innovation and technological progress (cf. Chapter 4.3.2.2). According to the available studies, any additional effects on the wage level and employment opportunities of low-skilled domestic workers are at best partial and may even be positive under certain circumstances (cf. Chapter 4.3.2).

It should also be borne in mind that people without recognised vocational qualifications are not unqualified workers per se. Many vocational qualifications that require formal training in this country are not acquired through formal vocational training abroad, but instead through training on the job. Therefore, if there are no formal qualifications, this does not necessarily mean that the person in question

does not have the necessary vocational qualifications and skills. Such informally acquired qualifications should be taken into account in immigration management. For example, instead of checking the equivalence of professional qualifications, it could be checked whether the person in question has the qualifications required for the job described in the employment contract. However, in addition to the demand on the labour market, the management of immigration must always take into account the chances of integration in the medium and long term.

#### Recommendations:

- The Expert Commission supports the objectives of the Skilled Workers Immigration Act and welcomes reforms such as the abolition of the priority check and the opening of the labour market to persons with vocational qualifications, who in future will be treated the same as those individuals with academic qualifications. It urges business associations, chambers of commerce and individual companies to support the legal framework through new programmes and initiatives, especially in the case of entry for the purpose of vocational training or post-qualification for the recognition of vocational qualifications. In a manner similar to what occurs with students, this also helps workers with vocational qualifications acquire degrees or certifications in Germany that meet German standards. In addition, the recognition procedures must be designed to be practical (Chapter 4.3.5.).
- On the basis of the Skilled Workers Immigration Act, new immigration channels can be tested via placement agreements between the Federal Employment Agency and other employment agencies and similar institutions abroad, or through coordinated projects, which, if the experience is positive, can then later be implemented in practice for migrants from other countries, or in the event of an amendment to the Act.<sup>126</sup> This also applies to immigration for the purpose of training or post-qualification. The Expert Commission recommends expanding such agreements and involving small and medium-sized enterprises to a greater extent. Care must be taken to ensure that there are no adverse consequences in the countries of origin due to a brain drain, especially in key sectors such as the health sector. In principle, placement agreements should be broadly based in terms of professions and sectors.

<sup>126</sup> Under the “Triple Win” project, for example, some 3,000 skilled workers have come to Germany since 2013 – 800 of them from the Philippines alone, according to the Central Foreign and Specialist Placement Office of the Federal Employment Agency. The focus of the project is on the care and nursing sector. The term “Triple Win” refers to the fact that not only Germany and the immigrants themselves should benefit, but also the countries of origin.



- The federal government should evaluate and, if necessary, reform the Skilled Workers Immigration Act if the expectations with regard to the immigration of skilled workers and their integration into the labour market are not fulfilled, even with the above-mentioned measures. The legal and institutional framework for immigration for employment purposes should be systematically and continuously developed and adapted to economic, social and demographic requirements.

- In the event of an amendment, the Expert Commission believes that the legal framework should open up more avenues for labour immigration than has been the case to date. This should circumvent the problem of various minimum requirements coming together that end up having a prohibitive effect. Examples of such approaches include the following:

a) As before, there should be an access route with the Blue Card for highly qualified people who have an academic degree and can present an employment contract for a job with a minimum income that corresponds to their qualification.

b) A new access route should be created for qualified professionals in non-regulated professions with a vocational or higher education qualification and an employment contract that corresponds to their qualification, but where formal recognition of qualifications is waived. The value of professional qualifications could be verified through a uniform and simplified procedure, following the example of Australia and Canada. Such programmes could initially be tested experimentally for individual countries or sectors – for example within the framework of bilateral placement agreements – in order to gain experience; they could then be expanded at a later date.

c) A new immigration channel could be created for workers with a good or very good knowledge of German who have an employment contract in Germany and, if necessary, fulfil further minimum criteria that are still to be defined, but who do not require formal recognition of their qualifications. In this regard, experience with the new regulations for IT specialists or for finding a training position could be used as a model (Section 17 (1), Section 19c (2) Residence Act).

d) In addition, the already existing immigration opportunities for searching for a job or training position and for the recognition of professional qualifications could be facilitated in order to promote the acquisition of German professional qualifications.

- With regard to the Western Balkans regime, the Expert Commission recommends that it be limited in time and continue to be monitored. It would also make sense to extend it to other neighbouring countries that either have prospects for membership in the European Union, like the Western Balkan countries, or a particular political relationship with the EU (e.g. partnership or “neighbourhood” agreements including functioning repatriation agreements). Here, too, the consequences must be evaluated.

- Placement agreements for seasonal work are particularly relevant for agriculture, especially as immigration within the EU is expected to continue to decline. They offer short-term prospects to persons from economically weaker countries and create pathways for temporary and circular migration. As a result of the COVID-19 outbreaks in several farms, the existing deficits in the working and living conditions of seasonal workers have been publicly discussed – in the countries of origin as well. Compliance with and monitoring of the applicable minimum standards in terms of health, accommodation and remuneration must be ensured.

The opening of further immigration channels for skilled workers and other workers should be accompanied by a series of measures that promote integration and prevent abuse:

- Irrespective of the opening of new immigration channels, it seems advisable to strengthen controls and review the course of employment relationships in Germany. This should ensure that conditions, contractual agreements and the legal working conditions are met. The capacities of customs authorities should be expanded for this purpose. The Federal Employment Agency should establish systematic monitoring of employment relationships and especially of earnings, because equivalent working conditions are a prerequisite for its approval of job assignments.

- In addition to stricter inspections, positive incentives could also be set. Employers who pay fair wages that are commensurate with the qualifications and the job in question and invest in the further training of their employees could be certified; this would in turn help them to recruit workers from abroad (SVR Research Unit/MPI Europe 2019, p. 6). Such measures are already common in many countries (OECD 2014). Workers who defend themselves against unfair working conditions and lose their jobs as a result should be protected against the loss of their residence permit (for example in the sense of a leniency programme). To ensure better information, as recently decided for “Fair Mobility”, other counselling centres such as “Fair Integration” should also be developed and made permanent.

- The Expert Commission proposes to significantly expand the acquisition of German language skills abroad. This includes educational agreements and exchange programmes with what Germany considers the most important countries of origin of migrants, as well as Goethe Institute programmes and other job-related language programmes. At the same time, the promotion of German language skills after immigration must be systematically expanded (Chapter 4.2.4.3).
- Government and administration, together with business associations and trade unions, should support the implementation of regulations in order to help ensure their success. To this end, among other things, the recognition of professional qualifications must be facilitated (Chapter 4.3.5) and, above all, visa procedures must be made service-oriented, with shorter deadlines and effective cooperation between consulates and the competent national authorities. The newly created Federal Office for Foreign Affairs marks an important step in this direction and the activities of this office should be consistently expanded.
- The integration of labour migrants into the labour market must be accompanied by social and economic integration on the local level for entire families. This is because many labour migrants leave Germany again after a few years, and lack of integration of family members is often a key reason for this (OECD 2019d). Specifically, the Expert Commission recommends that migration counselling for adults (MBE) be expanded into case-based integration management for family members of labour migrants.

#### 4.3.4 Vocational education and further training

***Investment in vocational education and training is worthwhile, but migrants are under-represented in this area.***

In future as well, most migrants will not move to Germany via the channels for labour force migration provided for in immigration law, but instead through other routes.<sup>127</sup> In this respect, migration can only be controlled to a limited extent, also with regard to the educational level of migrants. In principle, it can be assumed that due to the global trend towards higher qualification, the educational level of the migrant population will increase (cf. Chapter 2.4.2). Already today, according to data from the micro census, the proportion of those with academic degrees

among people who have immigrated to Germany is slightly higher than among the population without a migration background (DESTATIS 2020b); among recent immigrants it is even significantly higher (see Chapter 2.4.2). However, the proportion of people without vocational qualifications is also much higher among the population with a migration experience (around one-third) than among the population without a migration background (around one-tenth) (DESTATIS 2020b). Similar trends can be observed with regard to school education: Here as well, slightly higher shares of persons with a school-leaving certificate or a vocational secondary school diploma among the population with a migration experience are contrasted with much higher percentages of persons without completed school education among the population without a migration background (DESTATIS 2020b; OECD/EU 2019; cf. also Chapter 2.2).

Although demand for workers without vocational qualifications can be high, on average people without vocational qualifications have a significantly higher risk of becoming unemployed and they also tend to earn less than skilled workers. Sometimes their income is not even enough to cover their living expenses; therefore, especially in the helper sector, many workers receive basic security benefits in accordance with SGB II in addition to their salaries. A vocational qualification is often an important step for escaping unemployment or the low-wage sector. Vocational education and training is thus very important in terms of individual employment opportunities and long-term and sustainable integration. This applies equally to immigrants, to people born in Germany with a family history of migration and to people without a migration history. In the case of the first category (immigrants), however, there is a great need for action in this respect, because here the proportion of those without vocational or academic qualifications is above average. However, participation in vocational training is also significantly lower among young people with a family history of migration than among their peers without immigrant parents.

Migrants who move to Germany as adults often acquire a (further) vocational or general education qualification in Germany. According to a survey in 2013, 28 per cent of migrants who moved to Germany in adulthood acquired such a qualification; among those who moved to Germany when they were under 25, the figure was as high as 44 per cent (Liebau/Romiti 2014). With regard to protection seekers who moved to Germany after 2013, according to their own statements 25 per cent had attended a school, university or vocational training institution since moving here; 14

<sup>127</sup> Family migration is numerically more significant than labour migration almost everywhere in the OECD – even in a country like Canada, where not even one out of every three immigrants has migrated for work reasons (OECD 2019a).

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per cent were still in education and training programmes (Brücker/Kosyakova/Schuß 2020). This is to be welcomed, as educational qualifications acquired here are pivotal. Nevertheless, education and training potential is far from being exhausted. Migrants in Germany are also under-represented in further education measures, despite their greater need for these (OECD/EU 2019; Leber et al. 2019).

The Expert Commission welcomes the fact that access to training assistance has been opened up to EU citizens and third-country nationals with the Foreign Nationals Employment Promotion Act. This is a first important step. However, the subsequent acquisition of a vocational qualification or further training often still fails because a livelihood is not secured during the period of qualification. This particularly affects older trainees who already have families. With the Qualification Opportunities Act (Qualifizierungschancengesetz), the federal government has been promoting in-service training for employees since January 2019.

There are various reasons why young people with their own or a family migration history participate less in education and training (Bergseng et al. 2019). In addition to disadvantageous factors such as poorer schooling and lower language skills, and limited access to networks through which a large proportion of training positions are allocated (these young people are already at a disadvantage when it comes to information about where interesting opportunities might be available), empirical evidence supports two other main reasons.

Firstly, in many parents' countries of origin, vocational education is either largely unknown or does not have a particularly good reputation. Especially people with their own migration experience must therefore first be introduced to the concept of vocational education and training and to the fact that this is an investment that pays off in the long run as compared to a less qualified but regularly paid job, and that it also protects against unemployment.

Secondly, immigrants, as well as the children of immigrants, have greater difficulties in finding an apprenticeship or training position. As is the case for many OECD countries, there is also much empirical evidence for Germany that migrants experience discrimination in the labour market – especially in the training market, with varying degrees of discrimination depending on national and ethnic background (Kaas/Manger 2012; Keita/Vallette 2019; 2020; Koopmans et al. 2018; Schneider et al. 2014; Scherr/Gründer 2011). The disadvantage young people with their own or a family migration history have in the search for an apprenticeship or training position (which goes beyond differences in school performance and other characteristics – e.g. Solga/Menze 2013) has a direct impact

on the chances of being hired. It can also influence the motivation of these individuals to invest in their own human capital, and thus also reduce the labour market chances of certain groups in the long term.

Specific initial disadvantages of migrants on the training market, such as poor language skills, must be remedied quickly during training at the latest – for example through additional general and job-related language training at vocational schools (see Chapter 4.2). However, disadvantages in the job search must also be reduced (cf. Chapter 4.5). Even if vocational training is started, this might only be the first step on the road to a successful vocational qualification. Training contracts are often terminated prematurely, for example. This particularly affects young people with a foreign nationality (the so-called migration background is not collected in the VET statistics). In the 2018 reporting year, the corresponding proportion in this group was 35.3 per cent, compared to 25.5 per cent for trainees with a German passport (BIBB 2020, p. 145 et seq.; also for the following, unless otherwise stated). However, this discrepancy is also partly due to differences in terms of the highest general school leaving qualification. The dissolution rates for young people with foreign nationality were highest in the skilled trades and agriculture (approx. 41 per cent) and lowest in the public sector (i.e. civil service – 7.8 per cent). However, it is also true here that neither the sector nor the nationality alone explain the differences. A statistical analysis of training dropouts showed that trainees with a migration background even dropped out less frequently when other variables were controlled; this was explained by prior positive selection into training (IAW 2014, p. 104).

The reasons for dropouts are diverse and also depend on whether the trainees themselves or the companies providing the training were interviewed. The former frequently cite company reasons (e.g. conflicts with trainers, poor training quality, working conditions and, in the case of non-desired occupations, occupational reasons); companies or trainers frequently cite a lack of vocational orientation or an unsuitable choice of occupation, a lack of willingness to perform and a lack of stamina on the part of the trainees. Statistical analyses suggest that the individual characteristics of the trainees hardly play a role here, but that the attractiveness of the training occupation and the company training conditions are all the more important (cf. Rohrbach-Schmidt/Uhly 2015). Therefore, measures that only address the trainees are not sufficient (ibid.). Difficulties at vocational school (e.g. being overworked, anxiety due to exams, conflicts with teachers, cf. IAW 2014) also play a role, but they are mentioned less frequently overall (i.e. without taking nationality or migration background into account) compared to company-related reasons (Schuster 2016, p. 59 et seq.; Schöngen 2003, p. 8).

In the so-called transition sector<sup>128</sup>, the percentage of persons with a foreign nationality increased from 14 per cent to 36 per cent between 2005 and 2016. This reflects the higher proportion of foreign nationals of training-relevant age, as well as the increased number of protection seekers (cf. Authors' Group on Educational Reporting 2018, pp. 137–144; also for the following, unless otherwise stated). This results in special challenges for teachers in the transition sector: In addition to the previous heterogeneous education, they must combine training preparation, language training, support in everyday matters and promotion of social integration. Data from the National Education Panel (NEPS) also suggest that the probability of entering the transition sector when leaving school after grade 9 is highest among young people who have themselves immigrated.

Several studies have examined the extent to which it is possible to take up dual vocational training from the transition sector. These came to the unanimous conclusion – after controlling for numerous other factors – that it takes longer for persons with a migration background, as well as young women, to take up in-company vocational education and training, or that the transition is generally less successful (Eberhard et al. 2013; Lex et al. 2008). According to the evaluation of a Bavarian model project on vocational integration classes (BIK) for protection seekers at 21 schools, the successful transition to vocational training correlated with the number of internship companies available to each class; individual factors, on the other hand, hardly played a role (Gschwind/Kron-Sperl 2019, p. 71f.).

In cases where vocational training is not (or no longer) an option, continuing vocational training plays an important role, especially in “catch-up integration”, i.e. for adults who have been living in Germany for a long time but lack basic qualifications. This mainly concerns people who came to Germany in the context of family reunification, in some cases many years ago. Catch-up integration is also important because it has a positive effect on the children of the persons concerned (OECD 2017a).

Given that new immigrants often do not have sufficient vocational training and that this makes sustainable integration into the labour market difficult, the question arises as to whether the successive integration measures in the current support chains are sufficiently coordinated. In the Scandinavian countries there are, especially for recognised refugees and family members who join them and who lack basic qualifications, individualised integration pro-

grammes lasting several years. These develop a coordinated overall concept for sustainable qualification and labour market integration immediately after entry. These have achieved quite good results, especially with immigrant women (Liebig/Tronstad 2018).

#### Recommendations:

The acquisition of school-leaving qualifications and vocational and higher education qualifications, and the recognition of qualifications acquired abroad are, alongside German language skills, the most important factors of success for labour market integration. All of this requires personal initiative and considerable effort on the part of individuals, which, however, yields high returns in the labour market. Society as a whole also benefits. The Expert Commission therefore recommends that the state seek to lower the barriers to investment in education and language skills and to strengthen incentives. These measures could include especially the following:

The subsequent acquisition of school-leaving qualifications even beyond compulsory schooling should be made more appealing. Here, the federal states are first of all called upon to create a nationwide, free programme. To the extent that such a programme still does not exist, employment agencies and job centres must be encouraged to promote school-leaving qualifications in accordance with their possibilities, without necessarily combining this with vocational components. In addition, the legal right to access the secondary general school certificate should be extended to the secondary modern school certificate, which most vocational training courses now require.

- Measures that promote catching up on vocational qualifications, especially for people who have not completed vocational training, should be developed. The legislator has already facilitated this through the “Arbeit-von-morgen-Gesetz” (Work of Tomorrow Act), which came into force in the spring of 2020 and grants low-skilled persons a legal entitlement to corresponding support. Furthermore, it should be possible to credit practical vocational skills acquired through training periods (abroad) and/or work experience by means of appropriate checks, so that the duration of training is shortened.

128 The transition sector consists of a variety of measures, mainly company-based measures from the Federal Employment Agency and school-based vocational preparation programmes offered by the federal states. The latter also help participants meet compulsory schooling requirements and acquire a school leaving certificate. They do not provide a qualifying training certificate, and the achievements in such programmes usually cannot be applied to a subsequent training programme.

- Especially for newly arrived people who lack the language or general educational prerequisites for participation in the vocational education system, the existing support chains should be replaced by an integration programme that is tailored to individual needs, as is currently the case in Scandinavian countries, for example.
- Incentives should be created for employers to encourage their employees to participate in CVET measures and to also give them time off as needed. Such incentives could include tax and social security payment reductions.
- The Expert Commission generally recommends improving the compatibility of family and acquiring professional qualifications. This can be achieved, for example, by offering more part-time work and linking further education with childcare. Since the constitutional protection of the family for children under the age of three requires voluntary participation, incentives could also be used here, such as participation bonuses.
- The instrument of partial qualification has been used too little thus far. The aforementioned institutions should jointly further develop and promote it. Above all, it must be possible to follow it up with qualified vocational training.
- It is important that there are enough counselling services that provide information on CET and training opportunities, and that these are accessible at a low threshold (i.e. also available in languages other than German). In addition, information on CET and education opportunities must be provided in line with the target group's information-gathering habits using the appropriate information channels. Within the framework of lifelong career guidance, the BA should have resources and expertise available to provide culturally sensitive advice to people who did not go to school in Germany or complete training here.
- The vocational language courses for trainees must be further developed in a manner that ensures they are more strongly aligned with the contents of the respective training programme, so that they better prepare the participants for the linguistic requirements of the occupation in question.
- According to the principle of "promoting and demanding", participation in labour market policy measures, including some of the qualification measures addressed here, can, within the framework of integration agreements, in principle also be subject to proportionate obligations as well as proportionate sanctions for benefit recipients, irrespective of their origin. Such sanctions can increase the effectiveness of measures, but can also have undesirable social and other consequences. There-

fore, the principles of appropriateness and proportionality must be observed in accordance with the case law of the Federal Constitutional Court.

#### 4.3.5 Recognition of professional qualifications and other competencies

*The recognition of professional competencies is too complicated and too burdensome.*

Improving the procedures for recognising qualifications and competencies acquired abroad has been on the political agenda in the European Union and in Germany for many years now. With the 2012 Recognition Act, the legislator did attempt to facilitate the recognition of professional qualifications. Nevertheless, the corresponding potential is far from exhausted. According to the Skilled Workers Immigration Act, a recognised vocational qualification is generally a prerequisite for labour migrants from third countries to be able to take up employment in Germany and obtain a residence permit (cf. Chapter 4.3.3). In view of the current legal situation, the recognition of vocational qualifications can therefore be the crucial bottleneck for the immigration of skilled workers. A situation in which the admission of skilled workers from abroad also requires recognition for non-regulated professions is not common in many immigration countries. Often, only general professional competencies are assessed in a blanket manner (cf. for Canada OECD 2019a). With regard to persons submitting a corresponding application from abroad, the recognition figures are still very low to date. In this respect, it is of central importance for both immigration and integration policy to facilitate the recognition of vocational qualifications.

From 2012 up to and including 2018, almost 280,000 applications for the recognition of vocational qualifications and the assessment of academic certificates were submitted by persons in Germany and from abroad, whereby around 62,000 of these were submitted in 2018. In 82,000 cases, the foreign vocational qualifications were recognised as fully equivalent (BMBF 2019b). There is much to suggest that the potential for the recognition of vocational and academic qualifications is thus far from exhausted: According to data from the micro census (DESTATIS 2019a), there were just under 7.1 million immigrants with vocational and academic qualifications living in Germany in 2018 (vocational qualifications: 4.7 million, academic degrees: 2.4 million); most of them are likely to have acquired their degrees abroad. Even if one takes into account that some of these people already had their qualifications recognised in Germany before the Recognition Act came into force, these figures show that there is still considerable potential for the recognition of professional qualifications.

Thus, of the migrants living in Germany who have acquired a vocational or academic qualification abroad, only about one-third have had these qualifications recognised in Germany to date. In the case of regulated professions, recognition of qualifications is a prerequisite for practising the profession. This applies to doctors, nurses and many other professions in the health care sector, as well as to many engineering professions and to lawyers etc. Overall, 12 per cent of professions in Germany are regulated in terms of employment. Empirical studies show that the recognition of professional qualifications leads to higher employment rates and higher earnings. Employment gains and wage increases are particularly high for those who are able to pursue regulated occupations following recognition of vocational qualifications.<sup>129</sup>

The recognition process is very complex in almost all OECD countries because it involves different numbers of agencies depending on the profession and level of qualification (OECD 2017b). In Germany, the federal structure adds further institutions and agencies. Here, the recognition or examination of vocational and school qualifications is regulated in different federal and state laws, and the responsibilities for this are distributed among many different bodies. Accordingly, decisions on the equivalence of qualifications can also vary from federal state to federal state. Against this background, the recognition of professional qualifications is a major challenge for immigrants, irrespective of whether they seek it from abroad or apply for it in Germany. First, they have to identify the competent bodies and raise the funds for translations and certifications; then later, if necessary, they need to organise and complete supplementary qualifications if their certificates/degrees are only partially recognised.<sup>130</sup>

A range of support services is available to facilitate the recognition of professional qualifications. Applicants from abroad are accompanied in this process within the framework of coordinated projects, for example in the “Triple Win” project run jointly by the BA and the German Society for International Cooperation (GIZ) through the BA’s Central International Placement Office. However, the number of cases so far is low. Nevertheless, as part of the adoption of the Skilled Workers Immigration Act, a Central Service Point for Recognition was set up at the BA’s International Central Placement Office, which advises on applications, assists in filling out applications and forwards applications from foreign persons to the competent recognition offices.

The Skilled Workers Immigration Act also provides for shorter deadlines for recognition in the accelerated skilled workers procedure. This is intended to create more transparency for applicants from abroad and reduce bureaucratic red tape. Whether these goals will be achieved remains to be seen. Domestically, the IQ Network supports people already in Germany when they apply for recognition of qualifications. This network is also cited internationally as a good example (OECD 2017b). In any case, the need for counselling and information is high, but so is the bureaucratic effort and expense. In addition, many migrants with professional qualifications acquired abroad are not convinced that their recognition will be of much use to them.

#### Recommendations:

- Migrants should be informed as quickly as possible about the possibilities of having their qualifications recognised – by employment agencies or job centres (in case of contact) or by employers.
- Counselling and information on the recognition of qualifications should be provided throughout the country and should therefore be included in the regular services offered by employment agencies and job centres. The existing competencies of the staff in the former “Refugees and Migration” teams can be used and expanded for this purpose. The central service point for vocational recognition can be an important first step towards lowering barriers for the recognition of vocational qualifications from abroad. The activities of the Central Service Point for Vocational Recognition, but above all of all institutions involved in recognition, must be evaluated with regard to processing times, transparency, provision of information and other quality criteria.
- It is recommended that state and federal laws be standardised and that the system of bodies responsible for recognition be made more transparent. Wherever possible – for example following the example of the Chambers of Industry and Commerce with the institution IHK FOSA – central bodies should assume responsibility for the recognition of qualifications in accordance with standardised and transparent criteria. In the case of professions regulated by state law, the states could reach agreements on this, comparable to the system of lead chambers of the chambers of crafts.

129 In the long run, recognition of vocational qualifications increases the probability of employment by almost 25 percentage points, and earnings by 19 per cent. These results are, however, very much driven by the regulated professions for which most migrants apply for recognition of their qualifications (cf. Brücker/Glitz/Lerche et al. 2020; see also Damos de Matos/Liebig 2014).

130 The best-practice example that Germany could follow here is Norway, where a turbo system has been introduced that enables employers to get an assessment (not a formal recognition) within three days as to whether a candidate is qualified for a particular job.

- Competencies acquired through professional activity abroad have not been systematically taken into account in recognition to date. However, it is unlikely that all competencies that a German qualification comprises can be obtained by practising the profession in question. Non-formal competencies identified in a competence validation procedure (e.g. further developed versions of ValiKom or MySkills) should be put on an equal footing with formal qualifications in the Recognition Act. At the same time, it should be possible to have partial qualifications recognised and, building on this, to acquire a full qualification.
- In areas with a shortage of skilled workers, e.g. in the health sector, the establishment of nationwide scholarship and/or loan programmes should be considered in order to cover the costs associated with recognition (e.g. for translations and qualification measures). Employer participation should also be considered.

#### 4.3.6 Integration through migrant enterprises<sup>131</sup>

***The number of self-employed migrants in Germany has increased significantly. The migrant economy makes a significant contribution to the overall economy and is a rewarding path for many immigrants.***

Of all the people who operate a business in Germany, one in five now has a migrant background. Many dependent employees work in a company whose management is itself immigrant or descended from immigrants, and the trend is rising. The migrant economy – defined here as self-employed persons and entrepreneurs with a migration background – already provides 3.4 million jobs in Germany (a conservative estimate) and thus a considerable proportion of jobs in owner-managed companies (Leicht et al. 2019, p. 14). 90 per cent of these entrepreneurs are immigrants themselves; most of them have already lived in Germany for many years. Compared to dependent employees, migrant entrepreneurs are on average better educated today.

Structurally, the migrant economy still differs from the non-migrant economy in terms of the economic sectors in which it is represented. For example, migrant businesses have traditionally been more active in construction, hotels and restaurants, trade and services. However, their percentage in these sectors is continuously decreasing; on the other hand, it is increasing in activities that require

more knowledge, modern technologies and better qualifications. The changes in the composition of immigration described above (cf. Chapters 2.2 and 4.3.2) and the associated higher average qualifications of the immigrant population have contributed to this change. In addition, migrant entrepreneurs benefit more than others from modern communication and transport options (David et al. 2019, p. 20) and use these to maintain relations with the country of origin and also to engage in entrepreneurial activities there. On average, 14 per cent of all migrant enterprises are active in the export business, compared to only 9 per cent of non-migrant enterprises (Leicht et al. 2019, p. 12). This international engagement is perhaps also one of the reasons why migrant enterprises bring new goods and services to market more frequently than others and thus make a decisive contribution to Germany's innovative capacity (David et al. 2019, p. 21f.; Leicht et al. 2019, p. 11).

However, the path to self-employment remains a major challenge for many migrants. For example, migrants are less likely to have a training qualification or a master's degree themselves – due to their migration history and because there are hardly any training qualifications in other countries that correspond to the German system. They also often have fewer financial resources and less access to business financing than people without a migration history, and they do not know the German market as well. Studies from other OECD countries show that migrants start businesses more often, but they also fail more often (OECD 2010). The extent to which this also applies to Germany has not yet been investigated (Leicht et al. 2019, p. 5).

It is therefore all the more remarkable that migrant enterprises, measured in terms of company resources, provide more training positions on average than others; they thus make a disproportionately large contribution to meeting the demand for skilled workers in Germany. It is striking here that almost half of the trainees in migrant companies have a migration background themselves (although only about 20 per cent have their family roots in the same country as their boss). In non-migrant companies, only 17 per cent of trainees have a migration background.

<sup>131</sup> On integration through migrant enterprises, the Expert Commission commissioned two expert reports (Leicht et al. 2019 and David et al. 2019). The statements in this section are partly based on the results of these expert reports.

## Recommendations:

- The overall economic contribution of the migrant economy has increased significantly; this also results in individual opportunities for advancement and participation for employees. However, migrant entrepreneurs are under-represented in employers' and business associations and chambers of commerce. The associations should counteract this through targeted campaigns and should also identify the specific needs of migrant-owned companies.
- Comprehensive counselling and further training measures, which already exist in some federal states, could help migrant-owned companies qualify as companies that can train apprentices.
- The Federal Employment Agency's employer service should also specifically address companies run by migrants in its job placement services in order to make full use of the placement potential.
- The propensity of migrants to start a business is influenced by the legal framework, length of stay and immigration motives. This must be taken into account when developing support measures. The information and counselling services on business start-ups should be expanded in a targeted manner and take greater account of the specific challenges faced by immigrants. Support after the start-up phase is also important.
- Germany should make use of the potential that migrants who want to start a business bring with them. In Germany, the conditions of entry and residency for self-employed persons and entrepreneurs from abroad have been improved several times since 2005. Nevertheless, the legislature should continuously review whether further obstacles can be removed and the conditions of residency for entrepreneurs can be improved in order to exploit the existing potential.

### 4.3.7 EU citizens

#### *Germany benefits from the free movement of workers in the EU.*

In recent years, the economy and social security systems in Germany have benefited from the free movement of workers in the European Union more than such systems in almost any other European country. Between 2011

and 2018, more than half of all people who immigrated to Germany came from other EU member states; in 2018 alone, this figure was over 600,000 (cf. Chapter 2.2.1). More than half of all employees without a German passport who are subject to social insurance contributions come from the EU.<sup>132</sup> Both employment rates and qualification levels are comparatively high among this migrant group. Their integration into the German labour market is mostly smooth. The rates of unemployment and benefit receipt are on average only slightly higher than for the rest of the population.

Just under 50 per cent of immigrants from the EU are employed in Germany as skilled workers, although about a third are also employed as helpers. To a certain extent, immigrants from the EU are employed below their qualification level. Their earnings are also still quite low compared to the average earnings of other workers. However, this is put into perspective if you take into account the factors of age and work experience. The earnings of newly immigrated EU nationals are roughly equivalent to those of Germans who are first entering the labour market. It remains to be seen whether the longer they stay and the more work experience they have in Germany, the more their earnings come into line with those of other established workers. It is clear, however, that employment rates and earnings tend to rise with increasing length of stay. The structure of employment also shows, however, that many EU nationals have lost some of the value of the human capital and professional experience acquired in their home countries as a result of migration. This can be remedied by appropriate in-service language programmes, the recognition of vocational qualifications and training and further education measures (see above).

In some large German cities, it was feared that immigration from the new member states would be a "poverty immigration" that would lead to social and economic dislocation in these communities. This fear is not reflected by the aggregate figures on unemployment and benefit receipt. For migrants from most of the new EU member states, the rate of those receiving benefits under Book II of the Social Code is at a level similar to the population average and significantly below the level of the foreign population as a whole. However, corresponding effects are visible regionally and in individual cases. Especially in the state of Bremen and in some large cities in the Ruhr area, the rates of unemployment and benefit receipt are indeed high among the population from the new member states. In other conurbations, such as those in southern Germany, the picture is completely different. Ultimately, it must be

132 Employment statistics of the Federal Employment Agency (cut-off date 31/12/2018).



taken into account that of the groups of people with social problems, some are not registered in Germany; accordingly, they are not or only imperfectly covered by statistics on population, the labour market and benefit receipt.

#### Recommendations:

- It is in Germany's interest that EU citizens make greater use of qualification offers and the associated opportunities for advancement. The Qualification Opportunities Act offers new opportunities for this, but some of these are still unknown to this group. Employment agencies and job centres should proactively advise companies and employees on this and should especially encourage younger people to complete training or study in Germany.
- EU migrants with limited qualifications especially sometimes end up in precarious or even exploitative working or living situations. Workers who resist unfair working conditions run the risk of losing their jobs. Counselling and empowerment can counteract this. To this end, the corresponding counselling services such as Fair Mobility and the like must be expanded. Above all, however, it is important that legal stipulations relating to pay, working conditions and contractual relationships are complied with. To this end, the capacities of the customs authorities must be expanded, among other things. At the same time, measures can be implemented that would improve the legal position of workers in general, irrespective of their origin. Extended protection against dismissal and legal action against unfair working conditions could help in this regard.

#### 4.3.8 Protection seekers

##### ***Labour market integration is more challenging for protection seekers than for other migrant groups.***

No one can predict how forced migration to Germany will develop in future. So far, only a relatively small proportion of the protection seekers who have entered Germany in the past decade have been granted a permanent right of residency in Germany. Due to the situation in the countries of origin, however, it can be assumed that the vast majority will remain in Germany for a longer period of time, or even permanently (on forced migration, cf. Chapter 2.3). In addition, many people who are currently still in the asylum procedure, who are contesting a negative asylum decision in court or who, for example as persons with temporary permission to stay, are subject to an enforceable obligation to leave the country, will also remain in Ger-

many permanently. For all these subgroups of protection seekers, successful labour market integration might prove important. It not only promotes their well-being and that of their relatives; it also reduces the economic and social costs of hosting protection seekers in Germany. Especially in the case of persons who are subject to an obligation to leave the country, however, there is a conflict of goals between the promotion of integration and other aspects of migration management (Chapter 3.9).

For various reasons, the conditions for labour market integration are less favourable for protection seekers than for other migrant groups. In addition, their labour market integration is made more difficult by legal and institutional hurdles (cf. Chapter 2.3), and above all by the legal uncertainty caused by ongoing asylum procedures and short-term residence permits. Asylum seekers are generally allowed to take up employment three months after their arrival. Due to complicated legal regulations – which in turn contain many exceptions in which employment is nevertheless permitted – there are restrictions for persons who have to live permanently in an initial reception facility. These rules have been amended several times in recent years and were made significantly more stringent in 2019. As a result, a longer obligation to live in an initial reception facility applies above all to people from safe countries of origin, as well as other persons with very poor prospects of staying. According to the wording of the law, if deportation is “not possible within a reasonable period of time”, the housing obligation ends (Section 49 (1) Asylum Act), which can significantly limit the scope of application depending on the administrative practice of the federal states. Recognised refugees and other persons with protection status (such as beneficiaries of subsidiary protection), on the other hand, are not subject to any legal restrictions on taking up gainful employment. However, restrictions such as the residence obligation can hamper the search for work and therefore successful labour market integration as well (Brücker/Hauptmann/Jaschke 2020 and Chapter 4.9.1).

Even in past instances of refugee migration – for example in the course of the wars and civil wars in the successor states of Yugoslavia at the beginning of the 1990s – the labour market integration of protection seekers took longer than for other migrant groups. This is also the case this time, but now – at least before the outbreak of the COVID 19 pandemic – it is happening somewhat faster than in the past. In fact, a good two-fifths of protection seekers are in employment four years after their arrival, and after five years, the figure is just about half (Brücker/Kosyakova/Schuß 2020). In the second half of 2018, 15 per cent of those who had fled to Germany since 2015 were undergoing education and training; a total of 23 per cent

had attended an educational institution since their arrival. 85 per cent had attended a language course by then and 65 per cent had already completed it; 65 per cent had attended an integration course and 47 per cent had completed it. Overall, in the second half of 2018, 44 per cent of protection seekers had good or very good German language skills according to their own assessment, and a further 34 per cent rated their German language skills at an intermediate level (Paiva Lareiro et al. 2020).

The positive figures, at least until the outbreak of the COVID-19 pandemic, reflect considerable investment in the integration of protection seekers in Germany. The Expert Commission appreciates what the federal government, the federal states and the municipalities, civil society, businesses and social partners have done and are still doing in integrating protection seekers. This applies especially to small and medium-sized enterprises, in which a disproportionate number of protection seekers are employed (Kubis/Röttger 2019). Alongside this progress, however, there are still considerable deficits. For example, some of the protection seekers still do not speak German well enough for labour market integration. Employers also cite insufficient German language skills as the most important obstacle to integration. Furthermore, the educational potential for this group is far from exhausted, although their educational aspirations are high (cf. Chapter 2.3). Refugees also suffer from mental illness and post-traumatic stress disorders at an above-average rate. Such refugees thus need comprehensive medical care in order to increase their chances of success on the labour market (cf. Chapter 4.6).

#### Recommendations:

- As various studies have shown, the chances of integration increase if asylum procedures are carried out quickly and integration measures begin at an early stage. The Expert Commission therefore recommends starting language courses, employment and educational counselling measures, comprehensive health care, and legal counselling as soon as possible after arrival, especially for protection seekers with good prospects of staying.
- Adult protection seekers must be comprehensively informed about educational opportunities in Germany. Educational preparation measures such as language courses, preparatory school education and orientation programmes for higher education and university studies should be developed as required.

- The Expert Commission is of the opinion that asylum seekers, including persons who have been granted a tolerated-stay permit and are obligated to live in initial reception facilities, should be granted access to the labour market after only three months, as was previously the case. In this context, certain conditions should be met in order to avoid creating false incentives for persons without legitimate protection claims to move within the European Union via the asylum system, or by way of irregular secondary migration. Such conditions could be a prior clarification of identity and temporary restrictions on labour market access for protection seekers who come from a safe country of origin or who have already applied for asylum in another EU member state. In individual cases, it should be possible for the competent authorities to allow an exception.
- According to current law, persons granted temporary permission to stay are obligated to leave the territory of the Federal Republic of Germany. In practice, however, only a minority leave voluntarily and the authorities rarely enforce this obligation. In the long run, however, a significant number of them leave Germany (cf. Chapter 4.9.4.). In these cases, exceptional permission to remain is granted. During this time, there is planning uncertainty for the persons concerned and for companies that would like to employ them, insofar as on the one hand the obligation to leave the country continues, but on the other hand the people continue to stay in Germany, often for a long period of time. According to the Expert Commission, the new instruments of exceptional permission to remain for employment and training toleration, which supplement the more important practical forms of regularisation (Chapter 4.9.4), are unlikely to change this situation. The Expert Commission recognises that an asylum system only functions and is only accepted if persons without legitimate claims to protection comply with the legal obligation to leave the country and are forced to leave if they fail to comply. Nevertheless, it makes sense to offer persons who have been granted a tolerated-stay permit prospects for staying if they have integrated well and cannot be returned at short notice. Therefore, the existing regulations should be thoroughly evaluated in order to decide, if necessary, whether they should be expanded, changed, abolished or supplemented by instruments such as a cut-off date regulation. On the general conflict of goals between migration control and the promotion of integration, see Chapter 3.9.

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#### 4.3.9 Women and families

***Migrant women and families need special support. Germany does not provide sufficient support.***

The integration of immigrant women into the German labour market is less successful than that of men. Women work more often in semi-skilled and part-time jobs, and they are less likely to be employed overall. They are also under-represented in educational measures and courses offered by employment agencies and job centres. Some migrant women are well qualified. Others, however, have poorer prerequisites for labour force participation in Germany. This differs considerably according to the regions of origin. However, the fact that migrant women are under-represented in the labour market has only partly to do with their qualifications.

The lower labour force participation of migrant women is partly explained by the family structure: Migrant women have children more often and have more children compared to women without a migration history. The latter also have lower labour force participation than men with similar family structures; nevertheless, lower labour force participation is particularly pronounced among migrant women. Improving childcare services and adapting them to specific needs could thus contribute significantly to increasing the employment rates of migrant women.

The group of women seeking protection stands out particularly in the relevant statistics (cf. Bujard et al. 2019; Brücker/Gundacker/Kalkum 2020; Gambaro et al. 2019; Liebig/Tronstad 2018): In almost all areas – e.g. participation in integration measures, participation in education and the frequency of social contacts with the German population – a considerable gender divide is evident. This is also the case with employment rates and is probably due to an accumulation of various factors. The preconditions for integration are different for women seeking protection than for men. To start with, women have a higher risk of post-traumatic stress disorder and psychological illness as a result of experiences from fleeing and experiences in the countries of origin (cf. Chapter 2.3). Additionally, different family structures play an important role here: 67 per cent of women seeking protection live with minor children in a household; this is only the case for one-fifth of men (Kosyakova 2017, p. 14). In households with children, the average number of children is 2.8, about half of whom are infants. The division of domestic and care work between the genders does not differ from the situation in the German population (Brücker/Fendel/Guichard et al. 2020, p. 57). However, when it comes to protection seekers, traditional patterns of the division of work are much more prevalent among women seeking protection than among other

population groups, whereby this is due to the much higher number of children (ibid.). In conjunction with a difficult care situation, this makes it more difficult for women to participate in the labour market and other areas.

All of this can explain some, but not all, of the differences in labour force participation. The educational gap between men and women seeking protection is not significant; nevertheless, three-quarters of men were employed before entering Germany, but only half as many women were employed. However, examples from other countries, such as Sweden, also show that there is no direct link between labour force participation in the country of origin and that in the country of destination (Liebig/Tronstad 2018, p. 24). In principle, the propensity to work is also high among women seeking protection. Taking up gainful employment is obviously hampered or at least severely delayed by a number of disadvantages and obstacles. However, this does not explain why Germany performs relatively poorly in integrating this target group, even in an international comparison (OECD/EU 2019; cf. Chapter 2.3). Originally, women seeking protection were also much less likely than men to make use of language and other integration programmes. This has changed, however, as more women now participate in integration courses and other integration programmes than men (Brücker/Kosyakova/Schuß 2020). The gap in labour force participation is also closing gradually. However, the differential is still high. This is one of the major challenges of integration policy, also in view of the fact that the percentage of female asylum seekers in Germany has increased in recent years: In 2015, less than one-third of asylum applications were filed by women; in 2018-2019, the proportion was over 43 per cent (BAMF 2019a; 2020).

If migrant women have poorer educational qualifications when they enter the country, this does not necessarily mean that the qualification differences must persist in Germany. Investing in the education and training of immigrant women is not only a matter of social justice and beneficial to the women themselves; it is also worthwhile with regard to the integration of their children. Since education and the professional life of mothers have a decisive influence on the development of their children, educational investments for mothers also have an impact on the professional qualifications of subsequent generations (OECD 2017a).

Women also come to Germany also for the purposes of family reunification (cf. Chapters 3.9 and 4.9). In the past, Germany hardly provided any integration programmes for previous generations of migrants who were joining their families. As a result, the potential for the labour market was lost and integration processes were delayed. Today's immigration and migration policies should learn from this and policy makers should consider families when designing programmes.

## Recommendations:

- In the case of women seeking protection, the proportions with school-leaving qualifications and university degrees are just as high as among men seeking protection; on the other hand, a higher proportion of such women have attended only elementary school or no school at all. Job placement and employment agencies should take both aspects into account. This means that job centres and employment agencies should encourage women with fewer qualifications to attend language courses and, if possible, to catch up on school and educational qualifications. In the case of highly qualified women, greater efforts must be made to employ them in accordance with their qualifications and to support the recognition of the degrees they have already earned; this has often not been the case so far.
- All the support instruments should be examined to determine whether they meet the specific needs for the integration of women seeking protection (see Liebig/Tronstad 2018 for good practices in this area).
- The integration of women is also slower because the job centres offer only limited placement and support services if there are children under the age of three living in the household (Section 10 Social Act (SGB) II). In this regard, it is recommended that the job centres look at the entire community of need and examine the extent to which the childcare phase can be used, for example, for voluntary participation in integration and vocational language courses.
- In order to promote women's integration in the labour market, this target group should be given low-threshold access to institutional childcare.
- Women – to a much greater extent than men – need training and career guidance tailored to their individual situations. When supporting immigrant women, many municipalities have had good experiences with the provision of advice during visits and with family education programmes such as the “Neighbourhood Mothers,” which enable women, and especially mothers, to build social networks. Such activities and programmes could be promoted, stabilised and expanded.
- Through various instruments, immigration policies in home or transit countries can support the integration of refugee women and other family members even before they enter the country, especially by offering language courses. In this context, the existing programmes offered by the Goethe Institutes could, among other things, be complemented by additional programmes in refugee camps.

## 4.4 Naturalisation, cultural participation and voluntary activities

### 4.4.1 Naturalisation and participation rights

*So far, there has been little willingness to actually make use of existing naturalisation opportunities. However, among recognised refugees and people who come from countries with a precarious political or economic situation, the willingness for naturalisation is already high. Newly immigrated professionals and EU citizens are groups that should be approached in particular. At the same time, thought must be given to how political participation can be expanded for immigrants after a certain period of permanent residence and how existing participation options can be exercised.*

#### *Breaking down the law on nationality*

Several decades ago, the Federal Republic of Germany abandoned the sole validity of the former *ius sanguinis* in nationality law; today, immigrants can also become German citizens. As the statistics show, this is an established practice: A bit more than half of the immigrant population and their descendants hold a German passport (cf. Chapter 2.4.1 and DESTATIS 2019a, p. 62 et seq.). A standard entitlement to naturalisation had already been stipulated in the Aliens Act of 1990, which was upgraded to a granting entitlement in 1992-1993 within the framework of the asylum compromise (cf. Section 85f. Foreigners' Act (AuslG) 1990 (Federal Law Gazette (BGBl.) 1990 I 1354) amended by the Act of 30/6/1993 Federal Law Gazette (BGBl.) Since then, it has been possible to sue for naturalisation in court. The previously existing discretionary provisions have been abandoned. In this respect, nationality law also reflects the acknowledgement that the Federal Republic of Germany is a country of immigration (see Chapter 5.2). The major reform in 1999 lowered the granting prerequisites. Since then, a legally enforceable claim exists regularly after eight years, and in the case of successful participation in an integration course (Section 10 Residence Act (AufenthG)), it exists even after seven years.<sup>133</sup>

Since then, however, children who become Germans through their birth in the country (*ius soli*) have been accepted as having dual nationality. Since 2014, the so-called option regulation, according to which young adults must decide on a nationality, is only applicable for persons who have not lived in Germany for at least eight years before reaching the age of 21 (Section 29 (1a)

133 Discretionary citizenship is already possible after six years according to Section 8 Nationality Law (StAG).

Nationality Law (StAG)).<sup>134</sup> For those who spent their youth in Germany, there is no longer an obligation to exercise the option. They are allowed to keep the nationality of their parents' country even if they themselves have never lived there. Multiple citizenship is generally prohibited only in the case of naturalisation. However, there are also many exceptions here, which can be examined by the courts in case of doubt if an application for naturalisation is rejected.<sup>135</sup> According to statistics, more than half of naturalised persons currently have a second passport.<sup>136</sup> The Expert Council of German Foundations on Integration and Migration (2014, pp. 49–52) has proposed limiting dual nationality to the first two or three generations of immigrants and their descendants through a generational limitation. This is fully convincing from a normative point of view, but is difficult to implement legally (cf. Weinmann 2017, pp. 144–147; Lämmermann 2017, pp. 352–361). This would require treaties under international law with the most important countries of origin of immigration. As long as no such treaties exist, policy makers have only two options, both of which are sub-optimal: either to allow dual nationality permanently or to ban it.

However, it is not just the duration of prior residence and the regulations on dual nationality that have changed. The integration paradigm has also experienced a breakthrough in nationality law in the last 20 years, in that – entirely in the sense of “promoting and demanding” – on the one hand the naturalisation requirements have been lowered and on the other hand these have been focused towards material integration criteria. Since the major reform in 1999, knowledge of German and a commitment to the free democratic order have been required for naturalisation. Since 2007, there have also been naturalisation tests. According to statistics, these are not a great hurdle, and the vast majority of people pass them.<sup>137</sup> At the same time, they symbolically accentuate integration. This symbolism is further enhanced by a form of oath at the conferral of citizenship, which is increasingly taking place throughout Germany as part of a naturalisation ceremony (cf. Section 16 Nationality Law (StAG); Weinmann et al. 2012, pp. 230–232). Most recently, this integration paradigm was further strengthened by a – politically controversial – ban on naturalisation in the case of individuals who practice polygamy (cf. Law of 4/8/2019, (Federal Law Gazette (BGBl.) 2019 I 1124), although even in such a case, the

naturalisation requirements can be comprehensively reviewed by the courts in case of doubt (for more details, see Thym 2019b). The authorities have no discretion. In other words, if many people do not apply for naturalisation even though they are entitled to it, this is not necessarily due to the law.

### *Plea for a “culture of naturalisation”*

Despite the reform of the nationality law in 1999–2000, the rate of naturalisation in Germany remains low. Dietrich Thränhardt (2020) speaks of “neglected naturalisation despite integration rhetoric”. Population and citizenship are increasingly diverging. “The number of foreigners\* increased from 7.3 million in 2005 to almost 10 million in 2018, and in the same period the utilised naturalisation potential dropped from 2.8 to 2.2 per cent” (Sauer 2019, p. 3). In actual figures: “While nearly 187,000 foreigners\* were naturalised in 2000, only 94,000 were naturalised in 2008. After that, the number of naturalisations per year increased slightly again and has stagnated at around 110,000 since 2012: In 2018, similar to 2017, it was around 112,000” (ibid., p. 6). In 2019, there was a welcome increase to almost 130,000 people – which was not only due to the fact that among Britons, interest in naturalisation is increasing as a result of Brexit. (DESTATIS 2020e). However, despite the recent increase, the figure is strikingly low by OECD and EU standards: “About two-thirds of long-term (i.e. more than ten years) immigrants in the OECD area have the nationality of the host country; in the EU, this is the case for 59 per cent” (OECD/EU 2019, p. 117).

Of the estimated five million foreigners in Germany who are eligible for naturalisation, “depending on the survey and the group surveyed, between 20 per cent and 30 per cent [...] express an intention to become German citizens” (Sauer 2019, p. 30). This “proportion varies similarly to completed naturalisations by nationalities of origin and thus by incentives and costs: The intention is rather rare among EU citizens and third-country nationals from former recruitment states, more frequent among South-east and Eastern Europeans, and most frequent among foreigners from the refugee countries” (ibid.).

In order to achieve substantial progress in this area, the Expert Commission advocates a new approach to a culture

134 The option of exercising the obligation does not apply at all to persons who have attended school in Germany for at least six years or who have graduated from school here.

135 Details in this regard can be found in Section 12 of the Nationality Act. Multiple citizenship is accepted for EU countries, Switzerland and many countries where citizenship cannot be renounced.

136 “Despite the principle to avoid multiple citizenship,” in 2018, “naturalisation took place with continuation of the previous citizenship in 59 per cent of cases. In previous years as well – since 2006 – this rate was more than 50 per cent.” (Sauer 2019, p. 8, cf. Luft 2010b, p. 336).

137 For practical handling of the situation, cf. Federal Government 2009; the success rates have not changed fundamentally since then.

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of naturalisation. For this purpose, it is irrelevant whether the intention for naturalisation and the actual naturalisation are the starting point, a transitory stage or the end point of successful integration into German society; this question has been the focus of the naturalisation debate for a long time and is a disputed issue in research.

Such a culture of naturalisation would first require a realignment of rhetoric, i.e. clear communication to the many persons potentially eligible for naturalisation that their civic belonging and equality is politically desired. This message would be equally addressed to the federal states and municipalities which are entrusted with administrative enforcement. Twenty years after the ground-breaking legal reforms of 1999-2000, it is important to reaffirm the momentum created at that time and to generate new momentum.

In the public debate, the discussion on nationality law is often reduced to the issue of multiple citizenship. This overlooks the fact that there is also a great deal of potential for improvement below the level of this political issue, namely in the practical enforcement of naturalisation procedures: in the federal states, which are responsible for implementing naturalisation, and in the municipalities, which actually carry out the naturalisation procedures locally. There are “sometimes considerable discrepancies in the naturalisations executed not only by the federal states but also by municipalities, and these cannot be attributed solely to the number and composition of the foreign population” (Sauer 2019, p. 8).

In addition to ensuring the political will at the state and municipal level, a culture of naturalisation as mainstreaming should, according to the recommendation of the Expert Commission, ensure that administrative regulations, application instructions and internal implementation regulations of the authorities are standardised and specified. This serves a dual purpose: On the one hand, existing ambiguities in the interpretation of norms can be eliminated, for example with regard to the prerequisites for dual nationality. The persons concerned sometimes assume that this is a restriction that is not necessarily covered by the case law of the highest courts.<sup>138</sup> It is therefore a question of ensuring greater clarity and transparency so that the persons concerned can more easily recognise that they could apply for naturalisation. On the other hand, sub-legislative

specifications of scopes of interpretation and discretion can encourage personnel in the authorities to encourage naturalisation in the sense of enabling it. A culture of naturalisation also includes financial investments in staffing and counselling skills at the naturalisation authorities as well as cooperation with civil society, especially with migrant organisations, and, where necessary, also with universities. Such cooperation should be established prior to or during accompanying information and naturalisation campaigns.<sup>139</sup> Naturalisation ceremonies, after all, are not just a purely formal gesture. They symbolise that the new Germans are welcome and taken seriously as citizens who are equal before the law. Last but not least, politicians should publicly promote naturalisation, for example through speeches and possibly a campaign.

#### ***Recognised refugees, newly arrived professionals and international students as new target groups***

Among recognised refugees and people who come from countries with a precarious political or economic situation, the willingness for naturalisation is high.<sup>140</sup> In view of this fact, the Expert Commission recommends that preparations should be made to specifically address – from 2023 onwards – the groups of persons for naturalisation who came to Germany in 2015-2016 and who will be eligible for naturalisation in approximately three years, provided they fulfil the legal requirements. Administrative notices should provide clarity, especially with regard to the clarification of identity. The legal rules and case law are already suitable on this point, but the lack of transparency can be a deterrent.

Furthermore, the Expert Commission recommends actively approaching newly arrived skilled workers at an early stage and, if necessary, also EU citizens in Germany. The latter are often not aware that they do not have to give up their previous nationality in order to become German citizens.

Finally, the Expert Commission believes that not all sources of knowledge have been exploited and that there is still a need for further research. For example, nationally available municipal naturalisation statistics would be desirable; there is also a lack of knowledge about the very diverse administrative practices and the results of previous naturalisation campaigns. Furthermore, it is striking that there are hardly

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138 Also see the expert report submitted by the Expert Commission – “Research Findings on Naturalisation Barriers in Germany” (Sauer 2019).

139 Studies and evaluations of naturalisation campaigns show a high demand for information among people potentially eligible for naturalisation, and also a need to counter misconceptions. Here, information portals and written materials appear less effective than personal counselling and support during the process. The need for information relates in particular to the possible multiple citizenship of EU citizens and other groups for whom this is accepted, as well as to the possibly shortened minimum period of residency, the possibility of discretionary citizenship and the regulations on proof of language proficiency beyond a language test. It would also be helpful to have information on language and naturalisation tests as well as on related courses and non-public counselling services (cf. Sauer 2019, p. 33).

140 “Third-country nationals cite the rule of law, security of residency, freedom to travel, family future and professional future somewhat more frequently as motives for naturalisation than do EU nationals” (Sauer 2019, p. 16).

any empirical studies for Germany on the subjective motives for, and experiences with, naturalisation. Recent social science publications on naturalisation are also scarce.<sup>141</sup> Here, qualitative research on individual groups of origin would be preferable to extensive representative studies.

### ***National population as an open concept***

The issue of political participation rights is closely linked to citizenship and naturalisation.<sup>142</sup> The German Constitution states that governmental authority comes from the people (Article 20 (2) of the Constitution (GG)). With regard to the right to vote, the Federal Constitutional Court interprets this requirement such that only German nationals may participate in elections (Federal Constitutional Court (BVerfG), Judgement from 31/10/1990, Federal Constitutional Court Decisions (BVerfGE) 83, p. 37 – Foreigners’ right to vote I). In this way, it follows a formal concept of nation, which is linked to nationality and is not based on material criteria of cultural or even ethnic homogeneity. Instead, inclusion in the national population is regulated by naturalisation or birth acquisition, which the federal legislature can change by simple majority, if necessary: “Nationality law is therefore also the place where the legislative body can take account of changes in the composition of the population of the Federal Republic of Germany with regard to the exercise of political rights” (ibid., p. 52). With this in mind, the German parliament facilitated naturalisation and the acquisition of nationality by birth with the major reform of 1999–2000.

### **Municipal voting rights for third-country nationals**

It is true that, according to the case law of the Federal Constitutional Court, granting foreigners who are not EU citizens the right to vote in municipal elections violates Article 20 (2) sentence 2 of the Constitution, because one needs to have German nationality in order to exercise the right to vote.

Nevertheless, the **practice of some European countries** of granting municipal and/or regional voting rights to non-EU citizens should be noted. This applies to the following ten countries: Sweden, Denmark, Iceland, Finland, Norway, the Netherlands, Ireland, Belgium, Estonia and Luxembourg. Outside Europe, there are countries that even allow resident foreigners to participate in national elections, such as New Zealand (after one year).

Furthermore, a **Council of Europe Convention** (so far only ratified by nine countries and not legally binding on Germany either), the Convention on the Participation of Foreigners in Public Life at Local Level (CETS No. 144, 1992), explicitly recommends in Chapter C, Article 6, “to grant to every foreign resident the right to vote and to stand for election in local authority elections, provided that he or she fulfils the same legal requirements as apply to nationals and furthermore has been a lawful and habitual resident in the State concerned for the five years preceding the elections”. (accession states may also limit this to the right to vote). The Council of Europe explicitly bases its views on the “universal and indivisible nature of human rights and fundamental freedoms based on the dignity of all human beings”. The Council of Europe argues that “the residence of foreigners on the national territory is now a permanent feature of societies in the European states”, they generally have the same duties at the local level as nationals and “participate in the life of the local community and the development of its prosperity”. Accordingly, the Council of Europe is “convinced of the need to improve their integration into the local community, especially by enhancing the possibilities for them to participate in local public affairs”.

Likewise, integration advisory councils and migrant organisations have been calling for a right to vote for foreigners at the municipal level for years. They refer to the following arguments, as does some of the legal literature (for references, cf. Research Services of the German Parliament 2006): Firstly, the right to vote must take into account the fact that people are affected by the governmental authority. Secondly, the overall population in Germany is diverse; constitutional law must take this fact into account.

A formal understanding of the concept of nation is not the only possible starting point for democratic legitimacy. Thus, from the perspective of democratic theory, it is regularly argued that a permanent concern in state decisions increases the need for legitimacy; therefore, at any rate, persons with permanent residency should have an opportunity to participate (cf. e.g. Benhabib 2004). This could then be implemented in various ways: either by extending the acquisition rules or, alternatively, by introducing voting rights for foreigners for all or certain elections. As is well known, the Federal Republic of Germany followed the

141 For the research situation, see the overview in Sauer 2019, p. 4.

142 The legal definition of integration as participation in “economic, cultural and social life” (Section 43 (1) 1 Residence Act (AufenthG)) does not explicitly mention participation in political decision making.

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first path and changed the naturalisation rules after the Federal Constitutional Court declared a municipal right to vote for foreigners to be unconstitutional in 1990.<sup>143</sup> Only citizens of the EU have the right to vote in municipal and European elections on the basis of EU regulations (cf. Art. 22 Treaty on the Functioning of the European Union (AEUV), Art. 28 Constitution (GG)).

However, the argument of affectedness should of course not be understood to mean that political rights should be schematically adjusted to the factual residence in a certain area. It is not a question of granting the right to vote immediately after entry. Instead, a certain permanence and stability of residence is required, usually a prior residence of several years, which excludes, for example, tourists and other people who stay only for the short-term (cf. Miller 2016; Carens 2013, Chapters 5–9). Finally, the fact that one cannot automatically equate one's actual place of residence with a right to political participation is also shown by the debate on the extent to which Germans who live permanently abroad can claim participation in German politics because its consequences actually affect them. One way of accommodating these conflicting points of view is to make the right to vote dependent upon criteria of stable belonging on the one hand, while at the same time opening up broader political participation by means of other instruments.

### **Forms of political participation beyond the right to vote**

In the closed national state, foreigners were often forbidden to engage in political activity because they were considered members of a foreign power who should not interfere in internal affairs.<sup>144</sup> There can be no question of that today. Although the Constitution still states that only "Germans" are entitled, for example, to freedom of association and assembly under Articles 8 and 9; in practice this is overridden by simple law and European human rights. Everyone living in the country today can participate in the formation of public opinion in the media, on the Internet, in the cities and towns as well as in their personal environment, and many take advantage of this opportunity. This way, one can participate in public debates without the right to vote. This also applies to internal labour co-de-

termination, which was already opened up to foreign workers in the late 1960s and the 1970s. Trade unions and works councils included all workers in the internal opinion-forming process and thus promoted integration. This also was and still is a model for political participation: Opening up existing organisations to migrants and bringing their interests into these organisations also makes the formation of special migrant interest groups superfluous and thus encourages coalescence.

From a legal point of view, political parties are also open to non-Germans as long as they do not constitute a majority (Section 2 (3) 3 Law on Political Parties (PartG)). In practice, however, the most important parties in the Federal Republic of Germany deal with this possibility differently (cf. Bukow/Poguntke 2014, p. 9 et seq.). Only persons entitled to vote may participate in the nomination of official candidates for an election, according to the law on the right to vote. The problem is therefore not primarily the lack of legal possibilities, but the fact that these are only used to a limited extent. This also applies to EU citizens who are allowed to vote in European and municipal elections (see above), but rarely use this opportunity. From the Expert Commission's point of view, the question therefore arises as to how to get the existing participation options to be used to a greater extent. This applies to foreigners as well as to German nationals who have immigrated themselves or are descended from immigrant parents, and also to other population groups without a family migration history who are only politically active to a limited extent.<sup>145</sup> How this challenge can be met was discussed above using the example of naturalisation.

Experience with EU citizenship shows that the mere possibility of participation is not enough – which is also due to the fact that the persons concerned often identify primarily with their home country and are more interested in the political processes there (cf. Kuhn 2015, Chapter 7). In the age of the Internet, it is easily possible to align one's own political discourse realm with the discourse in one's native language in one's country of origin, even if one has lived in the Federal Republic of Germany for many years. This also applies to other groups of immigrants, some of whom are confronted with aggressive ethno-national offers of identification from their countries of origin (cf. Plamper

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143 If, 30 years after the above-mentioned judgements, a new attempt is made with regard to the right to vote for foreigners at the municipal level, this could well point to constitutional arguments that would possibly justify a change in the case law. However, it is by no means guaranteed that the courts will follow this line of argument. In 2014, the state constitutional court of Bremen rejected a corresponding proposition; cf. ruling of 31/1/2014, Ref. St 1/13.

144 The ban on political activity according to Section 47 of the Residence Act and Article 16 of the European Convention on Human Rights (ECHR) is nowadays only applied in special cases, otherwise – unlike in the past – it no longer plays a role.

145 Whether a "representation" of interests requires that people with comparable interests are represented in parliaments, i.e. whether only immigrants can effectively and legitimately represent migrant interests, has traditionally been judged differently in various theories of democracy. For evidence, see Thaa 2009, p. 61–80.



2019, p. 21), which the rational culture of democratic representation in the Federal Republic has little to counter with. It should be pointed out that this is not about people having to choose between two political discourse realms.<sup>146</sup> However, the Expert Commission is convinced that federal policy should promote measures that enable immigrants to identify themselves more closely with the German community (see Chapter 5.7).

#### Recommendations:

- The Expert Commission advocates a new approach to a “culture of naturalisation” in order to increase the willingness of immigrants to make greater use of existing naturalisation opportunities.
- For this purpose, the existing administrative regulations, application instructions and internal implementation regulations of the authorities must also be standardised and specified.
- The Expert Commission recommends the establishment of a commission whose mission should be to examine whether – also bearing in mind the “eternity clause” of Article 79 (3) of the Constitution – the extension of the right to vote in municipal elections to third-country nationals can be made possible in the medium term by means of a constitutional amendment.
- Furthermore, the Expert Commission recommends that immigrant professionals be informed quickly and proactively about the possibilities for naturalisation. Similar offers could be extended to EU citizens in Germany.

#### 4.4.2 Cultural participation and cultural education

*Cultural participation can be a driver of social integration.*

Culture<sup>147</sup> has the potential to promote social cohesion because culture is a constant reflection of a society’s constantly changing values and norms. Society is conceived as being always in motion, as a society that is characterised by cultures in the plural and thus by diverse and lasting

experiences of foreignness and contact. Processes and forms of coexistence can be expressed, shaped, negotiated and changed in cultural and artistic forms. Not only state cultural institutions but also civil society organisations for cultural education convey Germany’s history, Germany’s present and Germany’s future expectations and thus enable a discussion and negotiation of social values.

Cultural participation encourages experiences of belonging and recognition. That is why it is important not only for individuals but also for the development of democratic societies that as many people as possible are involved in cultural matters. The InterCultureBarometer (Keuchel 2012), which examines the influence of migration on art and culture, has shown, for example, that people with a migration history assess their current living situation in Germany positively above all when they are involved in local cultural events and can participate in them.

A right to cultural participation exists. In Germany, this has found its way – with varying degrees of accentuation – into state constitutions, school laws, special legal regulations and coalition agreements. The reference framework for this is the Universal Declaration of Human Rights, the Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union.

In 2007, the National Integration Plan (Federal Government 2007, p. 127 et seq.) raised the question of the extent to which cultural institutions can have an integrative effect and also defined the intercultural opening of museums and cultural institutions, as well as greater cultural participation of immigrants and their descendants, as important tasks for society as a whole. Since then, many projects and initiatives have been developed. For example, the German Museums Association committed itself to a stronger involvement with “migration and cultural diversity”. For this purpose, it initiated the Migration Working Group, which launched various cooperation projects. It also developed a guideline for action on how cultural diversity can be systematically strengthened in museums (German Museums Association 2015). There was also an (extended) evaluation of museum programmes, which for the first time evaluated programmes specifically with a differentiated view of the heterogeneous target group of migrants: Questions were asked not only about programmes for immigrants but also about programmes

<sup>146</sup> However, from the point of view of democratic theory, it can be problematic if people who live permanently in another country and are supposed to vote there continue to have a say in political decisions in their countries of origin, which do not directly affect them. The widespread “under-inclusion” of immigrants correlates in this respect with an “over-representation” of the emigrant diaspora; see Bauböck 2007, p. 2393–2447.

<sup>147</sup> The Commission uses the UNESCO concept of culture (1982) as a basis. That states that “culture, in its broadest sense, can be regarded as the set of distinctive spiritual, material, intellectual and emotional aspects of society or a social group. This encompasses, not only art and literature but also lifestyles, ways of living together, fundamental human rights, value systems, traditions and beliefs.”

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for refugees. (Berlin State Museums 2016, p. 57).<sup>148</sup> The “Cultural Diversity and Migration” museum fellowship initiative is also worthy of mention (Alfred Toepfer F.V.S. Foundation 2020). This initiative aims to make it easier for people with non-German roots to enter the cultural sector.

However, apart from such target group-specific “special programs”, it is important to focus on the routines and changes in the cultural sector itself and to diversify the same, because the necessary “shaping of multiplicity” (Teressidis 2010, p. 33) in the immigration society can only be done in this way. What is meant here is a diversity-sensitive orientation of cultural education institutions and processes. In view of the increasing differentiation of today’s societies, national and cultural references and belonging are not only in flux, they are also becoming less ambiguous. Social circumstances, environments, religious characteristics and other lines of difference can no longer be viewed solely along the dividing line between migrant and non-migrant populations (SVR 2010). Diversity approaches therefore go beyond “migration experience” as the only distinguishing category and raise awareness more generally of the diversity of our society and the multiple identities of the individuals who constitute it. Managing diversity – a resource-oriented, creative approach to diversity – is not only becoming a comprehensive task for schools as institutions of cultural education, but also for cultural institutions such as theatres or museums. The question is whether and how cultural diversity is visible in the programmes and educational offers of cultural institutions and schools, and the extent to which diversity is represented in such programmes and viewed as harbouring potential. The goal is to expand access opportunities for previously marginalised or excluded groups and to include them in institutional socialisation and educational processes (Georgi 2017). As we look towards the future, we see that we need to change the institutional focus – both in terms of personnel and concepts – from multi-culture to diversity (Wagner 2012).

In its current coalition agreement, this is precisely what the federal government has set out to do. Culture and (cultural) education should be accessible to all; irrespective of income and background, genuine participation in social and cultural life should be made possible. In order to encourage cultural participation in a targeted manner, the Commissioner for Culture and Media has launched a wide range of measures. Among other things, museums and other cultural institutions can seek advice from experts at the Federal Academy for Cultural Education Wolfenbüttel e.V. and get recommendations for action on how to ensure

diversity and integration (Reinwand-Weiss 2012). Cultural participation and diversity should be anchored in the future not only through individual projects but also as a permanent core and cross-sectional task in the institutions funded by the federal government (Federal Government 2018a).

Awareness of cultural diversity has grown in recent years, as evidenced by the programmes offered in the arts and culture scene. Nevertheless, the representation of social diversity is still not a matter of course for every arts and culture centre. This is not only revealed by a quick glance at the websites and programmes of German cultural institutions; it is also evident in surveys (e.g. Graf 2016). Cultural institutions are therefore called upon to become more diverse in terms of personnel, programmes and audiences. For museums, for example, this touches on the areas of collecting, curating, outreach, staffing, and marketing (cf. Menrath 2019-2018). Here, we are faced with questions such as: Which objects from the collection will be exhibited? Which artists will be presented? Who chooses what is shown? Whose story or stories are being told, how are they being told, and in what context? How to attract a diverse audience (audience development)?

In future, the task of cultural mediation will be to motivate the diverse society and give it a platform. Cultural institutions – at least those financed by the state – must make cultural participation possible locally. For this purpose, the often underfunded institutions need additional funds, which should be applied to diversity-oriented openness of the institutions, the development of new formats and the development of a “new” audience.

Previously unrepresented, marginalised and disadvantaged social groups – which include many people with a migration history – must be able to participate in cultural life in Germany in order to expand and pluralise the “legitimate” forms of culture. Only in this way can the cultural landscape become more diverse and diverse socio-cultural participation be enabled. Additionally, a “broadening of the understanding of culture, with greater appreciation of broad-based and everyday cultural activities and a stronger networking of different cultural spheres, cultural forms of different countries of origin and milieus, would offer new opportunities for a cultural life supported by many” (Mandel 2017/2016).

An important and comprehensive reference document on cultural policy in Germany is the 2008 report of the Enquete Commission on “Culture in Germany” (German

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148 For this, see [https://www.smb.museum/fileadmin/website/Institute/Institut\\_fuer\\_Museumforschung/Publikationen/Materialien/mat70.pdf](https://www.smb.museum/fileadmin/website/Institute/Institut_fuer_Museumforschung/Publikationen/Materialien/mat70.pdf) [07.08.2020].

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Parliament 2008). However, many of the recommendations formulated there – especially in terms of cultural education – have yet to be exploited. The Commission recommends that these be looked at again and that options for implementation be explored. For example, the demand is still being made that culture be included in the Constitution as a national goal. The German Cultural Council has also repeatedly spoken out in favour of this and requested that the parties represented in the German parliament comply with the unanimous vote of the Enquete Commission and to expand Article 20 of the Constitution to include a section b with the wording “The state shall protect and promote culture”, thus emphasising the fundamental importance of culture for the community.

### ***Expanding and encouraging cultural education in the immigration society further***

If the population at large is to participate more fully in public cultural life, over the long term as well, one key to this is undoubtedly the promotion of cultural education. This must be understood as education for cultural participation. It should therefore enable people to participate in the artistic, aesthetic and cultural events of a society.

Cultural education is seen as a lifelong educational process. It is always embedded in the life and action processes of society in general: “As a result, cultural education means the ability to successfully participate in culture-related communication with positive consequences for participation in society as a whole” (Ermert 2009). The National Integration Plan of 2007 states that cultural education supports the integration process (Federal Government 2007, p. 27). In view of an increasingly polarised society, cultural education is seen not only as having the potential for democratisation in the sense of “culture for all!” (Hoffmann 1979), but also the task of strengthening social cohesion. The creation of equal access to cultural education and the inclusion of the diverse living environments and experiences of all people living in Germany are key issues here (Georgi 2017). The following is formulated on the website of the Minister of State for Culture and the Media:

*“Encountering and engaging with art and culture are of formative importance to everyone. It influences sensory perception, creative skills and expressiveness. It provides access to history, traditions, values and cultural achievements in Germany, Europe and the world.”<sup>149</sup>*

*“Cultural education creates important foundations for social cohesion. Culture and cultural education teach traditions, knowledge and values that make a society worth living in the first place.”<sup>150</sup>*

In 2013, the federal government initiated the “Culture builds strength – Alliances for education” funding programme. This programme is aimed at educationally disadvantaged children and young people, many of whom are from immigrant families. The background to such measures is that major inequality exists, especially in the area of cultural participation. This is where social environments and family background have a particularly strong impact. That is why it must always be a matter of creating equal access to cultural education for all children and young people. The “Culture builds strength” project is designed to bring together school and non-school educational organisations (such as different cultural institutions) at the municipal level. This not only reaches many educationally disadvantaged children and young people; it also provides impetus for school development processes that systematically anchor cultural education in the school profile. The positive experiences of this development program show how important it is to strengthen the aesthetic subjects (music, art, performing arts) at school and to make other arts or aesthetic practices a part of the school culture; this could be realised especially well in the all-day program. However, not only schools, but also cultural institutions, need time, space and resources in order to collaborate with extracurricular cultural institutions. Time, space and resources must therefore be provided on an adequate scale.

The Enquete Commission “Culture in Germany” emphasises in its recommendations for action that cultural education is an important, indispensable and integral part of education and culture (German Parliament 2008). The federal government, state governments, and municipalities are therefore called upon to invest in cultural education; cultural and educational institutions are encouraged to enter into cooperation agreements and the federal states should upgrade the subjects of cultural education – art, music, performing arts – in terms of quality and quantity. The Expert Commission on the Framework Conditions for Integration Potential fully endorses these recommendations. Apart from that, it should be examined whether the Enquete Commission’s special vote to establish “cultural education as a learning area in schools” can be implemented. With such a learning area, the various forms of cultural

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149 Federal Government Commissioner for Culture and the Media (BKM), Cultural education, <https://www.bundesregierung.de/breg-de/bundesregierung/staatsministerin-fuer-kultur-und-medien/kulturelle-bildung-475442> [13.08.2020].

150 Federal Government Commissioner for Culture and the Media (BKM), Cultural education and integration, <https://www.bundesregierung.de/breg-de/bundesregierung/staatsministerin-fuer-kultur-und-medien/kultur/kulturelle-bildung> [13.08.2020].

expression – from art and music to theatre and film – would have a permanent place in the school curriculum. This can be beneficial not only for all children and young people, but also and especially those who otherwise have little or no opportunity to engage with art, culture and aesthetic practice.

In recent years, some things have started to change in Germany in the area of cultural education. However, from the point of view of cultural policy, “what is still missing is the major achievement, the concerted action, the fundamental will to bring about decisive changes, to redistribute from a focus on reduction to the promotion of reception” (Schneider 2013/2012). Cultural education must be established as a cross-sectional task of educational and cultural policy.

#### Recommendation:

- The Expert Commission recommends consistent diversity management in cultural institutions. The goal should be to create framework conditions and measures for ensuring the openness and diversification of cultural institutions. This includes systematically promoting the representation of marginalised social groups, such as people with a migration history. This is the only way to make programmes, staff, and audiences in cultural institutions more diverse.

#### 4.4.3 Participation in clubs and associations, and volunteering

With reference to Alexis de Tocqueville, associations are often called schools of democracy. Consequently, the organisation of collective interests through volunteer work<sup>151</sup> in clubs and associations creates a sense of citizenship and supports social integration, which in turn is a prerequisite for functioning democracies. Even if, for example, sport or cultural clubs do not primarily serve to organise socio-political interests, they do provide a framework for joint activities and exchange. While traditional club and association life began to show signs of decline internationally in the 1990s (cf. Putnam 2000), studies show that in the last two decades, the willingness to get

involved has increased and volunteer service has become more differentiated. Volunteering has thus recently gained strong social resonance and media attention. Politicians are also focusing their attention on volunteering and are taking measures to promote it.

The differentiation of voluntary engagement refers to the diverse programmes offered by clubs, associations and other organisations, as well as the forms of participation. With topic of volunteering now the subject of more attention in the public realm, it is evident, among other things, that the number of people engaged in volunteering in Germany has been rising steadily since the turn of the century (cf. Simonson 2017, p. 4). At the same time, traditional clubs or associations – for example the local chapters of charitable organisations such as the Red Cross (DRK), St. John’s Ambulance, etc., volunteer fire departments or even shooting clubs – are struggling with recruitment problems, and the number of volunteers is declining. Possible reasons for this are processes of social change, such as demographic change, regional mobility or changed ways of living and working, which also affect clubs and club life. An examination of sport clubs (exemplified by football) or charitable organisations shows that they are adapting to the process of structural change in their organisations and have in the meantime professionalised volunteering activities. Many offer services – welfare associations, for example, in the care sector, education and care work – and act like companies in order to be able to finance themselves and their employees.

Volunteering in clubs and associations is often discussed in the context of Germany as an immigration society. This refers firstly to the integration of people with their own or a family migration experience in the existing association life in Germany, secondly to the emergence of self-organised clubs and associations of immigrants, and thirdly to commitment to the integration of immigrants on the part of people without their own immigration experience.

#### *Volunteering as an opportunity for integration*

According to data from the Volunteer Survey, people with a migration history are on average less likely to be active in registered clubs and associations than people without a migration history (Simonson et al. 2016). This particu-

151 The current concept of volunteer work dates back to the Prussian city ordinance of 1808. This granted municipalities independent self-government. According to Section 191, citizens could be obliged to perform work for public city offices for no pay (cf. Zimmer in Wagner 2007, p. 6). In recent years, there have been more and more frequent discussions about “civic engagement” or “voluntary work”. In terms of content, these terms often differ only in nuances. For example, “voluntary work” or “civic engagement” sounds more modern and appealing to many than the term “honorary office”, which is often associated with involvement in clubs or in churches, political parties, and so on. “Civic engagement” especially focuses on the participation of each and every individual in the common good of society. It also does not require club membership or membership in any organisation. “Voluntary work” describes volunteering as a way to be spontaneous, action-oriented, and flexible without having to be organised in traditional association structures. Since there is no legal definition and also no clear demarcation, any unpaid, voluntary and public welfare-oriented activity is often referred to as “volunteering”. Here, these terms are used interchangeably.

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larly applies to immigrants themselves; people born in Germany with a family experience of immigration are much more involved in club life than their parents (ibid., p. 17). The under-representation of migrants in traditional German club life is particularly high, for example, in accident and emergency services organisations or in volunteer fire departments, but comparatively low in the area of sport.<sup>152</sup> As sport is of great importance for voluntary work in general and the participation of migrants especially is comparatively high here, the sport sector is said to have a high potential for integration. The informal mutual support within specific ethnic, religious or cultural communities is far less visible to the public and cannot be statistically captured, as support activities here often take place outside organised structures. This voluntary help is often under-reported and not included in statistics on volunteering.

Uncertain residency conditions, language barriers, a lack of financial resources and precarious employment situations can be reasons why immigrants do not participate much in established structures of voluntary work in Germany (cf. German Parliament 2002, p. 104). These and other factors often force them to plan rather short-term and to think primarily about securing their social and economic situation. For many, moreover, it is not immediately apparent what value volunteering could have (in future) for social inclusion and mutual support, and many cannot make a “pre-investment” for the reasons mentioned. Volunteer work is usually a realistic option only for those with a largely ordered and regular life. Additionally, some club and association sectors that have developed historically in Germany are not known in some immigrants’ countries of origin.

Contrary to their under-representation in traditional club life in Germany, however, data on willingness to get involved show that motivation to volunteer is particularly high among immigrants and their descendants born in Germany (Simonson et al. 2016). In order to exploit this high level of willingness, the Expert Commission supports the proactive promotion of civic engagement in clubs, associations and organisations among people with their own or a family migration experience. There is still a need to catch up in some areas in this regard. This can especially be an opportunity for many clubs and organisations to attract new members. For immigrants and their descendants, in turn, civic engagement or volunteering opens up ways to participate in social life.

In addition to the – still rather small – involvement in traditional registered clubs and associations, people with a migration history also organise themselves, or rather primarily organise themselves, in the increasing formal and informal initiatives of migrant organisations. Religious and cultural associations often also offer voluntary help in other areas such as health or social welfare, for example in pastoral care, homework help, women’s and mother-child support and refugee or neighbourhood assistance. The willingness of immigrants to offer voluntary support and make donations is often religiously motivated and culturally rooted, which is similar to the situation in society as a whole.<sup>153</sup> Although this form of interest organisation lacks an exchange between migrants and the rest of the population, self-organisation is an important source of support and it facilitates the entry into the new environment, especially for new immigrants (El-Kayed 2018). In addition to energetic practical support, however, financial resources such as donations are necessary to create professional organisations and structures.

#### ***Strengthening voluntary commitment for integration***

When it comes to integration work, government agencies are not the only ones with responsibility. Particularly during the influx of refugees in 2015 and 2016, full-time and voluntary helpers, for example in welfare associations, churches, migrant organisations and integration advisory councils, as well as many other associations, non-governmental organisations and individuals, volunteered to meet the challenges in terms of provisions and accommodation, but also in terms of the social integration of protection seekers (Schiffauer 2017). This shows the high potential of voluntary work for the integration of migrants, which has become an indispensable third pillar alongside the state and parity institutions. For example, according to data from the Socio-Economic Panel (SOEP), one in three people in Germany has supported protection seekers through donations, and about 10 per cent of the population has actively supported protection seekers on the ground (Jacobsen et al. 2017; Karakayali/Kleist 2016).

In addition to complementing public integration measures, this broad commitment on the part of the population has above all shaped the so-called welcome culture and fostered a willingness to view social integration as a task for society as a whole. Particularly noteworthy are the numerous tandem programmes that have been developed to open up a direct exchange on an equal footing between newly arriving protection seekers and people already liv-

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152 At the board level, however, there are a few migrants even in sport clubs (Breuer/Wicker 2008).

153 In major faiths such as Buddhism, Judaism, Islam and Christianity, mercy as a fundamental virtue is also a motivating reason to get involved.

ing in the country, and to strengthen mutual understanding (Jacobsen et al. 2020). The Expert Commission supports these initiatives as well as programmes that strengthen such engagement.<sup>154</sup>

If the state wants to preserve and strengthen voluntary engagement across the board, it must promote it continuously and sustainably. A positive step in this direction has already been taken with the tax-free allowance for voluntary work.<sup>155</sup> Another incentive would be, for example, the Ehrenamtskarte (volunteer card), which gives volunteers discounts in state institutions such as museums.<sup>156</sup> Additionally, the state should create certain framework conditions for volunteering – for example coordination offices that support volunteers. One platform that has proven successful in the municipalities is round tables, which come in many different versions. Additionally, the BAMF and the regional working groups of volunteer agencies (Landesarbeitsgemeinschaften der Freiwilligenagenturen – LAGFA), for example, have also carried out professional training in the form of projects that make volunteers' work easier through supervision and coaching.<sup>157</sup>

Volunteer civic engagement cannot be appreciated enough as a “motor of integration” and as its own “local responsibility structure” (Schiffauer 2017); in many places, creative and innovative solutions have emerged through it. However, many of the tasks that the voluntary sector has taken on or that have been imposed upon it cannot be managed by the sector alone in the long term. Here, there should be a special focus on promoting cooperation between volunteering, migrant organisations, clubs and associations and the central office. The special position of voluntary work in German civil society must continue to be maintained because it is an important pillar of society, both for the integration of immigrants and for living together in general. However, a balance must be maintained between full-time and voluntary work. It must not come to a situation where institutions and facilities are faced with the choice of either no longer offering programmes and services due to a lack of personnel and finances, or of maintaining their programmes and services through volunteers. Voluntary support is fragile and can break away at any time, since it is voluntary and without a contract. Volunteering must always be seen as a valuable supplement to full-time work.

#### Recommendations:

- Volunteering makes a valuable contribution to integration, is a bridge to society and serves the common good.
- Nationwide coordination of voluntary work and counselling centres for volunteers should be introduced on a permanent basis – and in all municipalities if possible. These institutions act as contact points for volunteering. People interested in volunteering should be able to get information and advice here. Comprehensive individual counselling and, if necessary, assignment to voluntary activities, organisations and projects should be carried out by a single entity, ideally by a public agency (administration, welfare organisation).
- The predominantly intrinsic motivation of volunteers must be recognised and maintained with various measures, e.g. through further training, celebrations, honours or leisure activities. For this purpose, the municipalities should (furthermore) be provided with the necessary public financial resources by the federal government and/or the federal states. It must be possible to access funds for such purposes (possibly on a flat-rate basis) in a straightforward procedure.
- In addition to tax benefits for the expense allowances for volunteers, further incentives for voluntary work should be created. One conceivable option would be a uniform volunteer card that would allow discounts for state institutions; various (local) institutions from the private sector could also participate in this.
- Other programmes could also be used to support the founding of associations by immigrants and people with a migration history. Broad social acceptance of migrant organisations and transparent association management can only be achieved if the standards and structures are the same for all and these standards are also followed by all associations and association members.
- The participation of people with a migration history in existing clubs and associations should also be improved. For this, the associations and organisations could expand their public relations work and make their structures more intercultural and diversity-sensitive. Immigrants could be reached even more effectively with a diversity-sensitive marketing strategy and other approaches.

154 For example, the “People Strengthen People” programme of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) supported over 100,000 partnerships between protection seekers and local people.

155 The annual benefit is 720 euros; for exercise leaders it is 2,400 euros.

156 For this, see <https://www.freiwilligenserver.de/?832E4D9C1164488FAA013E607F05924D> [16.03.2020]. The private sector could also participate in this, e.g. restaurants or the retail trade with discounts. For this, see <https://www.freiwilligenserver.de/?5F2F785E50414D818824E58C85ECB7D0> [16.03.2020].

157 Regional working groups of volunteer agencies and coordination centres for volunteering.

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## 4.5 (Anti)discrimination and equality

***Discrimination and equality are of central importance for integration because discrimination not only violates the law; it also jeopardises social cohesion. The structural disadvantage of certain groups has considerable negative effects in the areas of education, health and work; this, among other things, can increase the risk of poverty. Experiences of discrimination also affect the self-esteem of individuals. They can reduce the willingness to integrate, trigger re-ethnicisation processes and diminish identification with the country in which one lives. Furthermore, experiences of discrimination generate economic and business costs (through sick leave, high staff turnover, etc.) and they damage the image of the location and the region in question.***

Immigrants and their descendants continue to experience disadvantages in various areas of life, such as education, employment and housing. This shows how far they are removed from those who unquestionably “belong” and have equal opportunities in society. Numerous empirical studies also show a high degree of negative attitudes towards immigrants and their descendants, Sinti and Roma and religious minorities such as Muslims or people of the Jewish faith (cf. Chapter 3.2). This has been shown over time by the results of studies conducted by the Centre for Turkish Studies and Integration Research for people of Turkish origin (cf. Uslucan 2016a), or the studies of the Federal Anti-Discrimination Agency (cf. Beigang et al. 2017). Although a negative attitude towards minorities does not necessarily lead to discriminatory action, the two phenomena are closely linked and experiences of exclusion are part of everyday life for many people who are affected by discrimination.

### 4.5.1 Conceptual classification and forms of discrimination

Discrimination takes many forms and can be categorised in different ways. It can originate from persons (interpersonal discrimination) but it can also be caused by institutional practices or routines of action (institutional discrimination; Gomolla 2009; 2017). Media and teaching materials can also be discriminatory, for example when individual groups are stereotyped or certain realities of life are not mentioned. A large number of socio-psychological experiments on the “priming effect” should especially be mentioned here, as these demonstrate this very vividly (cf. Bargh 2017). Discriminatory action can be both intentional and unintentional. The facts of discrimination therefore do not presuppose a corresponding intention; rather, what is decisive is whether an action has a discriminatory effect. Furthermore, discrimination can be directly or indirectly linked to a certain characteristic of groups of people (cf.

Sacksofsky 2010). If seemingly neutral regulations, criteria or procedures affect persons with a certain (discrimination) characteristic in a disproportionately negative way and thus disadvantage a certain group of persons, this is indirect discrimination (Section 3 (2) General Equal Treatment Act (AGG)). Additionally, discrimination can be based on different characteristics (such as gender, skin colour, religion and social class) at the same time, whereby if these overlap it can lead to multiple discrimination or intersectional discrimination (Crenshaw 1989). Naturally, not every form of unequal treatment is legally prohibited discrimination; this is only the case if it cannot be justified.

Discrimination sometimes has medium-term and long-term consequences for those affected by it (Beigang et al. 2017, pp. 280-285). At the individual level, experienced devaluation, exclusion and disadvantage affect identity formation and a sense of belonging, as well as psychological and physical health and cognitive performance (Woodcock et al. 2012, pp. 635-646). However, it also has consequences on the trust placed in state institutions. According to a 2009 European Union study on discrimination and minorities, for example, over 80 per cent of respondents who had experienced discrimination (in Germany, these were mainly people of Turkish origin and people from the former Yugoslavia) had not reported it to the relevant authorities because they thought it would not be dealt with anyway (European Union Agency for Fundamental Rights 2009).

A basic problem in recording experiences of discrimination is their subjective content. Discrimination and the experience of discrimination do not have to be congruent (Baumann et al. 2018, pp. 65f.; Beigang et al. 2017, pp. 19-21; El-Mafaalani et al. 2017): Situations that are experienced as discriminatory are not necessarily discriminatory from a sociological and/or legal perspective. Conversely, actual discrimination is often not recognised and named as such. Sometimes there are habituation effects as well: Disadvantages are so trivial that those affected no longer perceive them as such (Zick et al. 2011). In other cases, however, those affected by discrimination are not even aware that they are entitled to equal rights.

Subjective experiences of discrimination have enormous significance. For the sense of belonging and well-being, for example, it is irrelevant whether discrimination was only perceived by those affected or whether discrimination actually took place in the legal sense. In contrast, actual discrimination can have a disadvantaging effect irrespective of whether or not the person affected recognises it as such. The recording of experiences of discrimination is thus an important complement to methods that measure actual discrimination, e.g. through the submission of fictitious applications of objectively equivalent job candidates.

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#### 4.5.2 Discrimination as a threat to self esteem

From a psychological point of view, people always strive for a positive social identity; this arises – in addition to the genuinely personal aspects of the self – primarily through membership in a group (Tajfel/Turner 1986). Thus, when immigrants and their descendants are affected by discrimination, a suitable strategy for protecting self-esteem is re-ethnicisation, i.e. referring back to an (imagined) own group to which they unquestionably belong from their point of view. The stronger the perceived discrimination, the less likely it is that those affected will identify with the group from which the discrimination originates (Skrobanek 2007; Sassenberg et al. 2007). Offences caused by discrimination in everyday life often undermine the integration efforts of new immigrants. They also give people with an immigration history who are already “well integrated” into the social subsystems of education, work, politics, etc. the feeling that they still do not belong. The reverse is applicable in a positive sense: The more quickly principles of equality are enforced and people perceive this, the more rapidly feelings of belonging are generated, such as the feeling of being part of a “strong we”.

Experiences of exclusion, however, are not limited to direct exchange or face-to-face interactions in everyday life. They can also be experienced indirectly, such as through public discourse. For this reason, the media has an important socio-political role to play here (cf. Chapter 3.3). For example, if negative stereotypes are repeated more frequently by the media, this creates and reinforces prejudice, which can then pave the way for discrimination in all areas of society. This can be well proven by memory psychology: In ambiguous situations, when people do not have a clear opinion about a particular phenomenon or group, they fall back on the information that is most readily available in their memory. If these are images such as “threatening Turks” or “car-jacking Polish people” for example, the associated feelings of threat and rejection are usually activated in real encounters. And when a particular prejudice has been consolidated, the person in question is more likely to remember such information that is consistent with his or her image of the group in question. Continuous reporting with negative stereotypes therefore has consequences; it can promote or reinforce racist or anti-minority attitudes in parts of society (cf. Chapters 3.2 and 3.4).

#### 4.5.3 Racial discrimination and discrimination based on religious affiliation

The data available on discrimination in Germany as group of topics have been insufficient to date. For example, the report of the European Commission on racism and intol-

erance states, among other things, that there is no sufficient, representative statistical information on the extent to which people feel discriminated against because of their “race” or ethnic origin, gender, religion or belief, disability, age or sexual identity; these are the characteristics cited in the General Equal Treatment Act (AGG) (Baumann et al. 2018). The remarks that follow focus on discrimination on the basis of ethnic origin or “race”, and discrimination on the grounds of religion or belief. This is because exclusion and disadvantage along these lines play a special role in the context of the immigration society. In this context, these two dimensions of discrimination can be interrelated and intertwined (ibid.; Shooman 2014). There is clear evidence that “people with external (physical) characteristics[...] such as a dark skin colour or a headscarf, [...] feel discriminated against more often than immigrants who do not differ in external appearance from the majority population” (SVR Research Area 2018, p. 4). The latter group reported experiencing discrimination 17 per cent of the time. By contrast, among those for whom a migration background is “visible” – in the sense that it is attributed to them on the basis of visible characteristics – the figure was 48 per cent; if they also spoke with an accent, the figure even rose to 59 per cent. In addition to racial discrimination, perceived discrimination on the basis of Muslim religious affiliation is also particularly significant: People with a migration background and a Muslim faith were significantly more likely to report feeling discriminated against (55 per cent) than those who belong to a Christian religion (29 per cent) or have no religion at all (32 per cent) (ibid.; Peucker 2010).

These results from the affected person’s perspective are not due to purely subjective feelings. Other data also show that people with non-white skin colour and/or a non-Christian religion, for example, have a significantly higher risk of discrimination. For example, relevant studies show that applicants with black skin colour or Muslim faith are significantly disadvantaged (Koopmans et al. 2018) and that women who wear a head scarf and have a Turkish name have to apply for jobs four-and-a-half times more often than equally qualified women with a German name and without a head scarf before they are invited for an interview (Weichselbaumer 2016).

#### 4.5.4 Effects of discriminatory practices and stereotypes on educational success

In the field of education, numerous studies have shown in recent years that the descendants of immigrants achieve less educational success than pupils without a family immigration history. Current research indicates that a high proportion of these educational inequalities can be traced



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back to the socio-economic background of families (Diehl/Hunkler/Kristen 2016). In Germany, social inequality in educational success is high overall, whereby children and young people from immigrant families are disproportionately affected here. Furthermore, factors such as limited German language skills or the often later entry into a day-care centre also play a role by additionally impairing the educational careers of these children and young people, thus leading to a double disadvantage (Lokhande 2016; also cf. Chapter 4.2.2). These factors also include discriminatory practices, as indicated, among other things, by enquiries from affected persons to the Federal Anti-Discrimination Agency (2017) and other counselling centres such as the Anti-Discrimination Network Berlin of the Turkish Federation in Berlin-Brandenburg (2020). The available data are insufficient and some authors assume that the actual cases are therefore underestimated. For example, El and Hashemi Yekani (2017) report that complaint structures are inadequate, the scope of action of the counselling centres is narrow and those affected often have to visit different centres or are referred from one centre to another (cf. Yegane Arani 2020). The Anti-Discrimination Officer of the Berlin Senate Department for Education has compiled exemplary case figures for the reporting period 2016 to 2020, ranging from just under 150 reports in the 2016-2017 school year to around 270 in the 2019-2020 school year (cf. Berlin House of Representatives 2020).

Discrimination can take place at the institutional and at the individual level. Institutional discrimination is about “practices that have negative and differential effects for ethnic minorities (...)”, whereby these effects are usually indirect, as the underlying “organisationally prescribed norms or procedures have been established and carried out without direct prejudice or intent to harm” (Gomolla/Radtke 2009, p. 50). In a qualitative interview study, Gomolla and Radtke (2002/2009) found evidence of such organisational mechanisms in school enrolment procedures, procedures for transferring to a special school for persons with learning disabilities and procedures for the transition to secondary education. In the case of individual discrimination, on the other hand, children and young people from different groups are treated differently, although this unequal treatment is not necessarily intentional (cf. also Diehl/Fick 2016). Both mechanisms ultimately lead to differences in educational success that are specifically linked to the group characteristics that have been studied.

Accordingly, research on discrimination in the educational sector looks at whether children and young people are treated or judged differently if they are perceived as belonging to a particular social group (or groups). For example, it has been investigated several times whether, given the same level of performance, children with a migration

history are less likely to receive a post-primary school recommendation for secondary school than children without a migration history. The stipulation “given the same level of performance” is important here because group differences in terms of secondary school recommendations that are due to group differences in performance cannot be interpreted as discrimination. This, of course, does not exclude the possibility that group differences in performance that exist at the transition to secondary education are due to discriminatory practices during the elementary school years (e.g. differential performance expectations – see below).

Experimental studies usually assume that discriminatory actions are based on stereotypes. Stereotypes associate social categories, such as those relating to the ethnic-cultural background of individuals, with certain characteristics (for a more detailed description, see Chapter 4.2). In Germany, for example, there are indications that people of Turkish origin are considered to be less performance oriented (Froehlich et al. 2016; Kahraman/Knoblich 2000). Furthermore, according to a survey, only 61 per cent of teachers believe that Muslims are as educationally oriented as non-Muslims (Lorenz/Müller 2017). This contradicts the results of studies on educational aspirations, as these are particularly high in families of Turkish origin (Salikutluk 2016). Stereotypical attributions are generalised consciously or unconsciously for members of the respective group and can influence how they are perceived and judged. In social interactions, such effects are more likely to occur the less one knows – beyond the ascribed belonging to the group – about the other person.

This is shown by experimental studies in the educational sector in which teachers are asked to rate fictitious students, whereby the teachers are given both performance information on these students and indications about their ethnic/group backgrounds. In one study, for example, Bonefeld and Dickhäuser (2018) presented university students being trained as teachers with dictations that were supposedly written by pupils and then asked the teachers to grade them. Names and photographs were used to randomly vary whether the work was that of a pupil thought to be of Turkish descent or that of a pupil with no immigration history. The results show that the student’s perceived background also played a role in the assignment of grades: Children supposedly of Turkish origin received significantly lower grades for the same performance than children in the comparison group. A similar result is shown in a study by Sprietsma (2013) for the evaluation of essays.

The results of experimental studies on transitions from elementary to secondary school also found evidence of

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effects of stereotypes. In a study by Glock et al. (2013), teachers were asked to indicate, on the basis of pupil descriptions that also included information on grades, which educational path the students in question would probably take. The assessments were less favourable for children with a migration background.

Overall, experimental studies suggest that when teachers make assessments of pupils' performance potential and performance, stereotypes can have discriminatory effects, at least when teachers otherwise know little about these children or young people. Such experiments have the advantage that their results can be easily interpreted: If a dictation is evaluated differently depending on whether, for example, a Turkish-sounding or a German-sounding name is written on it (without the students being known to the evaluating teacher), this clearly indicates discrimination effects. However, in educational sector, it is rare for teachers to have to evaluate students they do not know – unlike the labour market, where job application processes usually require a decision to be made initially on the basis of written information alone. Thus, it is unclear to what extent the results from such experimental studies can be applied to the real-world school context in which teachers continuously gather a variety of information about their students' performance and performance-related characteristics as a result of their daily interactions with them. Therefore, additional studies based on field surveys are also needed.

One field study that has analysed how stereotypes among teachers influence performance expectations for their students in German schools is the so-called KuL study (study on the acquisition of competencies and learning requirements). Here, we found that teachers expected less progress in learning for children of Turkish origin in German than for children from families without an immigration history, even when their linguistic performance, general cognitive abilities, and motivation were at the same level (Lorenz et al. 2016). The data also point to a self-fulfilling prophecy: When teachers overestimated children's performance at the beginning of the first school year, children actually learned more as the school year progressed, and vice versa (Gentrup et al. 2020). However, the effects on children's performance development were not very extensive (Lorenz 2018). It should also be pointed out that the survey of performance expectations in the KuL study was conducted at the beginning of the first grade; thus, it remains to be seen how the influence of stereotypes on performance expectations and performance evolves over time. On the one hand, it is conceivable that the effects of stereotyping might weaken as teachers get to know their students better and are thus likely to perceive them more individually (Fiske 1998). On the other hand,

the effects due to self-fulfilling prophecies could also be further amplified over time (lower expectations have an unfavourable effect on learning success, which in turn confirms lower expectations). Ultimately, both dynamics are likely to play a role, although it is likely that the effects vary among different teachers, as suggested by findings from international studies (Timmermans et al. 2016).

Other non-experimental studies examine possible discrimination using data from large school performance studies, often based on representative samples. The results of these studies are mixed: Some studies find disadvantages in grades for children from families with an immigration history when objectively measured achievement and social background are taken into account (Bonefeld et al. 2017; Kiss 2013); other studies have found similar disadvantages in terms of transition recommendations at the end of primary school (Arnold et al. 2007; Bos et al. 2004), while still others find no disadvantages and sometimes even slight advantages (Ditton et al. 2005; Gresch 2012; Kristen 2006; Kristen/Dollmann 2010; Becker/Beck 2012; Kristen 2006). In addition, there is consistent evidence that transition recommendations depend primarily on the level of subject matter competency students have achieved by the end of primary school, and also that significant social disparities exist: Children from socio-economically disadvantaged families are less likely to be recommended to transfer to a secondary school for the same performance than children from socially privileged families (cf. e.g. Dumont et al. 2014). This affects all students, but children from immigrant families are particularly likely to be affected.

Furthermore, social psychological research has been able to show that people believe their behaviour is measured against an existing (e.g. cultural or gender-related) stereotype, for example "boys are worse at languages, girls can't do math," and that this can affect the performance they display. Such effects of the so-called *Stereotype Threat* have thus far been studied for ethnic stereotypes mainly in the Anglo-American countries. For example, in the classic study by Steele and Aronson (1995), African American and white students took an oral test. The results showed that African American participants were significantly more afraid that their performances would confirm (negative) cultural stereotypes. As a result, they actually scored lower than white students. The first studies of this kind have also been conducted in Germany with school children (Froehlich et al. 2018). The authors emphasise that the performance differences between the groups (ethnic Turkish and ethnic German students) cannot be fully explained by socio-demographic differences between the groups, and they also point out that under certain circumstances, ethnic Turkish teenagers are affected by *Stereotype Threat* effects.

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The study identified attachment to one's group (*vertical collectivism*) and the assumption of innate intelligence as variables influencing this relationship: On the one hand, young people feel strongly connected to their Turkish group (which is actually regarded positively as a resource or social capital in psychology as well as in sociology), but at the same time they know that rather negative images of this (their) group dominate in society. The assumption that intelligence is innate and thus unchangeable proves to be unfavourable in various educational contexts (for students as well as for teachers) – for example in the promotion of young talents as well – because it is accompanied by a low motivation to change something about the current situation (although this of course applies to everyone; it is by no means specific to Turkish youth or generally those with a migration history).

Overall, then, the state of research indicates that discriminatory practices occur in the German education system that affect the educational success of children and youth from immigrant families. However, based on the available findings, no clear conclusion can be drawn as to how widespread this problem is and how pronounced the effects are. This requires further research, which is currently being intensified. Regardless, educators should be made more aware of the mechanisms and effects of discrimination that are described above in order to work against them (cf. Chapter 4.2.2).

#### 4.5.5 Effects of discrimination on the education and labour market

The labour market – along with the educational sector and the housing market – is a central area of life that plays a decisive role in determining socio-economic status. The differences observed in employment opportunities and incomes of persons without a migration history and immigrants and their descendants can be attributed to a considerable extent to differences in education and training, language skills, access to social networks or even institutional causes (cf. Chapter 4.3). However, not all of the observed differences can be explained by these factors. This is where labour market discrimination may play an important role. In addition to the direct effects on employment, income, and promotion prospects, labour market discrimination can also permanently worsen the integration chances of minorities by reducing the return on education and therefore causing fewer migrants to invest in education and training. It can also lead to increased segregation if discrimination is lower in certain niches of the labour market or in companies with a high share of migrants.

Labour market discrimination has negative effects not only for those affected, but also for the economy and society as a whole. This is because it reduces income levels, increases the unequal distribution of employment opportunities and income, reduces work motivation and work output of affected groups and promotes segregation. The perception that migrants are discriminated against in Germany may also reduce the country's attractiveness for skilled workers from abroad (OECD 2019c).

Labour market discrimination – defined as unequal treatment of minorities or other groups (migrants, ethnic minorities, women, etc.) compared to the majority, given the same attributes and under otherwise equal conditions – can be observed worldwide, and this has been shown in numerous economic, sociological, political science and psychological studies in the U.S., Europe and Germany (among others, cf. the literature reviews and meta-studies – Bertrand/Duflo 2017; Lang/Lehmann 2012; Zschirnt/Ruedin 2012). Empirical research on discrimination faces the methodological problem of separating the consequences of discrimination from the effects of other differences, such as those related to education and training, language skills, and numerous other observable and unobservable factors that also influence success in the labour market. Various approaches have been taken in the literature to address these methodological issues and to draw causal conclusions.

So-called correspondence studies (application studies) are widespread. Here, fictitious applications are sent out which, given the same qualifications, vary in characteristics that signal group affiliations, such as last names and first names, gender, skin colour and other attributes, religious symbols or religious clothing such as head scarves, etc. (Bertrand/Mullainathan 2004). These studies typically find substantial differences in interview invitation rates between members of majority and minority groups, whereby the differences can vary significantly depending on the minority group or the type of employment (Bertrand/Duflo 2017; Zschirnt/Ruedin 2012). For example, the results of Zschirnt and Ruedin's (2012) meta-study show that in 36 studies, members of the minorities examined had to send 50 per cent more applications on average in order to receive an invitation to an interview. At 31 per cent, the rate was lower in the German-speaking countries. Some international comparative studies also conclude that differences in invitation rates in Germany are smaller than in other countries such as the United Kingdom, the Netherlands and Norway (di Stasio et al. 2019; Thijssen et al. 2019).

As far as differences with regard to different groups are concerned, a comprehensive study by the Social Science Centre Berlin has shown that the interview invitation rate for people with a migration background is on average nine

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percentage points lower than that of applicants of German origin (51 per cent as compared to 60 per cent). The differences are particularly high among people of Turkish origin (13 percentage points), Muslims (11 percentage points compared with Christians) and people with black skin colour (six percentage points compared with people with white skin colour) (Koopmans et al. 2018). Other studies identify differences of a similar magnitude (e.g. Kaas/Manger 2012). A study by Weichselbäumer (2016) on the other hand finds somewhat larger differences on average, and much greater differences for female applicants with head scarves (see above). Such studies provide an indication that discriminatory barriers in labour market access exist for Muslim women who wear head scarves (cf. Peucker 2010)

Another branch of literature examines how attitudes in the population affect the employment opportunities of minorities or migrants. Thus, Keita and Valette (2019; 2020) show that in Germany, all conditions being equal, the rates of transition from unemployment to employment vary greatly in line with the confidence the population has regarding certain immigrant groups. Thus the identification of effects is based on the fact that the attitudes of the overall population toward minorities in Germany vary considerably over time, as well as by region. Other studies use changes in attitudes toward minorities which, among other things, have been observed after terrorist attacks. For example, a series of studies show that the terrorist attacks in the United States on 11 September 2001 had a negative impact on the wages and/or employment opportunities of Muslim men and women (Davila/Mora 2005; Kaushal et al. 2007). The effects were not only short-term, but also appeared in the medium and long term (Gould/Klor 2016). Similar studies in Europe come to different conclusions: Studies in Sweden (Aslund/Roth 2005) and Great Britain (Braakmann 2007) showed no effects of the terrorist attacks on the labour market situation of Muslims. The same applies to a study on Germany (Braakmann 2007), while another study came to the conclusion that the attacks had negative effects on Muslim men and women with lower qualifications (Cornelissen/Jirjahn 2012).

A number of descriptive studies have examined how big the residual differences in employment opportunities and wages between Germans without a migration history and different migrant groups and their descendants are when controlling for observable characteristics such as education and training, cultural attitudes, or personality traits. This is problematic as differences may still remain in unobserved factors such as language proficiency or other skills that affect work productivity and therefore may bias the results in both directions. In many of these studies, differences in employment opportunities or earnings still remain even after checking the observed factors (Brenzel/

Laible 2016; Granato/Kalter 2001; Kalter 2006; Seibert/Solga 2005), but in some they do not (Koopmans 2016). Overall, it appears that the larger part of the differences in employment opportunities and earnings can be explained by the observed factors such as education and training; the remaining part is often of a similar magnitude as, for example, the differences in earnings between men and women when checking education and work experience.

There can be myriad causes of discrimination in the labour market. A part of the literature explains discrimination in terms of the preference or rejection of certain minorities (“taste-based” discrimination) by employers (Becker 1957), consumers (Borjas/Bronars 1989) and employees in companies (Sasaki 1999), which causes immigrants and their descendants to be hired less often and to receive lower wages. In this context, the social climate of opinion with regard to minorities also plays a role in the tendency to discriminate (cf. Chapter 3.2): For example, because of general reservations about certain groups, employers may assume that hiring a person from that group could lead to conflicts among staff or financial losses due to negative customer reactions. “Taste-based” discrimination cannot last in the long run, at least in theory, because discriminating companies cannot exploit the productivity potential of the supply of workers and should therefore, under competitive conditions, eventually be forced out of the market in the long run by non-discriminating companies (Becker 1957). However, recent research approaches that take into account information and search costs in the labour market show that when information on employee productivity is incomplete, even small differences in company preferences are sufficient to cause larger differences in earnings and employment opportunities, even in the long run (Lang/Lehmann 2012; Rosen 1997). Other models of statistical discrimination explain wage and employment differentials by the fact that employers make hiring decisions based on the average productivity they expect from a group, rather than on individual performance capability (Arrow 1972a; 1972b; Phelps 1972). In this case, certain groups may be permanently discriminated against in the labour market. More recent approaches combine theories of “taste-based” discrimination with statistical discrimination: They argue that original differences in employment opportunities and earnings lead to lower investments in education and training, which in turn lowers the average productivity of the affected group.

Finally, the less favourable assessments of certain groups can lead to a decrease in their performance capability. For example, an experimental study based on psychological tests showed that supervisors’ attitudes toward minorities affect the performance capability of these groups and thus indirectly affect their wages and employment opportunities (Glover and others 2017). Other models, in turn, show

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that a strong market position of employers in local labour markets, for example, can lead them to impose different wages and salaries on minorities, especially if they are more dependent on employment than other groups. Jahn and Hirsch (2015) show that in regional labour markets, where labour demand is concentrated among relatively few employers, wage discrimination between German employees and migrants increases.

To sum up, the following conclusions can be drawn from the empirical literature: First, there is strong evidence from numerous studies employing experimental designs and other causal identification strategies that labour market discrimination occurs in many countries, including Germany. However, the effects are not equally large everywhere and are not always statistically significant. Secondly, all studies that differentiate between individual groups show that it is not the migrant population per se that is affected; instead there are significant differences between individual groups of immigrants and their descendants. Members of the Turkish and Muslim minorities and people with black skin colour are disproportionately affected. Thirdly, meta-studies and some studies with an international comparative design show that these effects are somewhat less pronounced in Germany than in other countries such as the Netherlands, Norway and the United Kingdom. Fourthly, discrimination can of course explain only a part of the wage and employment differentials; other factors, such as education and training or language skills, are likely to be more important. However, it should be noted that discrimination can also affect education and training levels. Fifthly, while there is ample evidence in the literature when it comes to interdependencies, most studies do not allow us to differentiate between the individual mechanisms and causes of discrimination. It is likely that various mechanisms interact in this process: “Taste-based” and statistical discrimination on the part of employers, as well as attitudes in the general population, which in turn affect consumer behaviour and employee behaviour, are likely to play a role here. Theoretical arguments that are supported by empirical evidence indicate that the more employers and employees know about new workers and job applicants, and the greater the competition for workers in the respective market, the lower will be labour market discrimination.

A number of conclusions can also be drawn from the literature about which measures counteract discrimination in the labour market. For example, it has been shown that in companies which participate in anti-discrimination measures, equality measures or targeted measures to promote

disadvantaged groups, the differences in employment prospects and earnings between majority and minority groups are significantly smaller (Holzer/Neumark 2000; Kalev/Dobbin/Kelly 2006). Additionally, the hiring of minorities in human resources departments increases equal opportunities (Stoll/Raphael/Holzer 2004; Guiliano/Levine/Leonard 2009). Although the empirical evidence is not clear, there is a strong case to be made that improving information about job applicants counteracts discrimination in hiring. The sometimes extreme differences in interview invitation rates that have been identified in studies with regard to names, physical attributes, or religious dress would at first glance seem to favour anonymised application procedures. However, it is an open question as to whether this would make any difference because discriminatory behaviour would then shift to later stages in the hiring process. On the other hand, such procedures would give individuals a chance to refute stereotypical assumptions in a direct conversation. Against this background, it would be important to test such procedures to verify the effects. Finally, not only hiring studies, but also theoretical arguments, suggest that labour market discrimination is or can be caused not only by employers and company management, but also by employees and the population collectively. In this respect, it is a phenomenon that affects society as a whole, one which can only be countered by reducing negative attitudes toward minorities in society as a whole.

#### 4.5.6 (Under-) representation of immigrants and their descendants using the example of public administration

In addition to the individual level, the issue of discrimination and marginalisation also has a structural dimension. This is revealed, among other things, by the fact that certain groups are systematically affected by disadvantages in various contexts. A need for active gender equality policies also stems from the fact that women are under-represented in various areas of society. Representational gaps in the institutions that symbolise and represent the community are a socio-political problem in democracies. People with their own or a family immigration history are not or else insufficiently represented in planning and decision-making processes in the vast majority of areas of society; this can be seen, for example, in the composition of the German parliament and the state parliaments.<sup>158</sup> So while the future of our immigration society is currently being planned, it is largely being done without the immigrants and their descendants – even if they are German nationals.

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158 For that, see among others, the “Migrants as political players” research project (2006–2015) at the Mannheim Centre for European Social Research, from which a large number of results are available – <https://www.mzes.uni-mannheim.de/d7/de/projects/migranten-als-politische-akteure> [31.08.2020].

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A particularly important social sphere for the issue of (under-)representation is public administration: Here, people with a migration background from the ages of 25 to 65 are significantly under-represented at six per cent, compared with their proportion of about 22 per cent of the workforce (Baumann et al. 2019, p. 11; Ette et al. 2016). Under-representation is also pronounced in international comparisons, even among German-born descendants of immigrants (OECD/EU 2019). A 2019 survey on “Cultural Diversity and Equal Opportunity in the Federal Administration”, in which more than 47,000 employees from 55 federal agencies participated, found that 12 per cent of employees had a migration background. Of these, two-thirds had been born in Germany and more than 90 per cent were German nationals.<sup>159</sup> Compared to the total population (DESTATIS 2020b), people with a migration background are thus still significantly under-represented, as their share of the population is around 26 per cent. The extent to which these differences can be attributed to factors such as discrimination, German language skills that are considered insufficient, a lack of formal educational and vocational qualifications needed for public service, or a lack of interest in certain occupational fields cannot be clearly deduced from the current research. Further study is needed here, particularly because of the symbolic importance of representation of all populations in public administration.

Many people see interactions with civil servants or employees in federal and state agencies as personalised contact with the state, which is virtually embodied by the persons concerned and the sovereign tasks with which they are entrusted. It is therefore by no means irrelevant whether those employed there – especially at the management levels, where important decisions about living together are made and influenced – reflect the composition of the population. This is because the composition of the civil service workforce also reflects the symbolic participation in the shaping of power in our society. Public administration – the largest employer in Germany – thus has a role model function with regard to intercultural openness and representation. If all population groups are represented in public administration, it strengthens identification with the state and its institutions. Through “positive measures” that establish a balance, as practised in the Anglo-Saxon world to recruit members of minorities (Germany so far uses it only to improve equality for women), the state as an employer could send a strong signal for more diversity. There has therefore been extensive

discussion for some time about collecting anti-discrimination and equality data and incorporating it into the debate on how structural barriers for belonging and participation can be effectively reduced.

Given the historical backdrop of National Socialism, Germany has thus far been reluctant to collect data on ethnic and cultural affiliations.<sup>160</sup> At the same time, the “migration background” category is not suitable for adequately recording marginalisation and discrimination (for this, cf. Chapter 5.8). This is because aspects such as skin colour and other visible features play an important role in experiences of discrimination, and white people with a migration background are not affected to the same extent as non-white people because they are not necessarily perceived as foreign. At the same time, a growing majority of people live in Germany who, according to the definition of the Federal Statistical Office, no longer have a migration background (or have never had one, such as German Sinti) and who are nevertheless perceived as non-white and “non-German” and therefore experience discrimination. This group will become even larger in future.

The question of how the lack of equality of migrant groups and/or groups affected by racism, as well as discrimination based on ethnic belonging and religion in Germany, can be adequately measured has so far only been discussed by experts. Particularly in the light of the political framework conditions and the obligations arising from international agreements, this debate should be expanded socially and a position should be developed that enables comprehensive monitoring; only then can appropriate measures be taken to reduce structural participation barriers.

The German federal and state governments had already emphasised in the 2007 National Integration Plan that they wanted to increase the proportion of government employees with a migration background (Federal Government 2007, p. 17). However, the impact of this declaration of intent has not yet been evaluated because no binding target values or corridors have been formulated (Baumann et al. 2019, p. 17). According to “A Window of Opportunity for Diversity” by the German Centre for Integration and Migration Research, now is an opportune time to reduce representation gaps and take migration-related diversity into account: The first baby boomer cohorts are reaching regular retirement and pension age, and by 2036 this will

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159 The results of the “Diversity and Equal Opportunity” survey were made available to the Expert Commission in advance before both projects went to press; publication of the employee survey is scheduled for December 2020. According to the information of authors, the operationalisation of “migration background” largely corresponds to the previous concept of the Federal Statistical Office in the context of the micro-census.

160 For this, again see <https://afrozensus.de/> [07.08.2020].

affect around half of all people currently employed in public administration (ibid.). The people who succeed them through new hiring will shape the face of federal and state agencies for many years to come.

The data on progress with regard to intercultural openness in public administration has been very thin until now, and representative surveys of employees are very time-consuming (however, see the results of the 2019 survey in the federal administration cited above). For this reason, the Expert Commission recommends that, in the case of new hires, one's own or a family migration history and possibly other characteristics relevant to discrimination under the General Equal Treatment Act (AGG) be systematically recorded – on a voluntary basis and in anonymous form – and evaluated on an annual basis.

So far, only three federal states – Berlin, North Rhine-Westphalia and Baden-Württemberg – have laws on integration and participation that set a binding goal to increase the proportion of employees with a migration background or a migrant history (NRW) in state administrations.<sup>161</sup> Analogous to the commitments to gender equality (Article 3 (2) of the Constitution (GG)) and to the representation of employees from all federal states in the highest federal authorities (Article 36 (1) GG), a legal basis could be created to ensure that all authorities recognise the importance of increasing the proportion of immigrants and their descendants in the ranks of their employees, and that they support this goal.

#### 4.5.7 Effects of discrimination on health

Stable physical and psychological health forms the central foundation for active participation in society. However, when people are discriminated against because of their origin or skin colour, it can affect their health. Health research has shown many times that people with a migration background tend to suffer more frequently from psychosomatic and psychological illnesses than people in similar life situations without a migration background (Rommel et al. 2015). Migration-specific aspects are usually used as explanations – e.g. socio-cultural uprooting, foreignness in the host country, identity conflicts, poor living and working conditions, fear of imminent unemployment, etc. However, unlike in the USA, there is hardly any research in Germany on the extent to which discrimination or its subjective perception acts as a cause of illness. A study in Leipzig with data from 1,844 immigrants who had been living in the Federal Republic of Germany for

more than 20 years on average found that socio-economic characteristics such as employment status, income level or duration of education had no significant effect on the subjective health of the respondents. However, perceived discrimination had a comparatively strong influence: People who felt discriminated against because of their origin or ethnic background suffered more often from psychological as well as physical issues (Igel et al. 2010). Health problems, in turn, have a direct influence on integration, because they make it more difficult to participate in social life (cf. Chapter 4.6).

#### Recommendations:

Experiences of discrimination of people with (a certain or “visible”) “migration background” or/and members of certain religions endanger social cohesion. Protection against discrimination is also a promise of our Constitution that has so far only been partially fulfilled. This makes effective protection against discrimination a social mandate of central importance.

Although there are anti-discrimination laws and regulations and a series of active measures to reduce discrimination, further action is needed considering the importance of the issue and the prevalence of discrimination. On the one hand, the existing measures need to be communicated better, because many of those affected do not even know what options and channels for complaints they have. On the other hand, new measures that can be prioritised in the short, medium and long term and that also have an impact in new fields must be implemented and evaluated. The Expert Commission specifically recommends:

#### Politics:

- The application of the General Equal Treatment Act (AGG) is limited to access to work, education and social protection and the provision of goods and services. This should be supplemented by a prohibition of discrimination in relation to state action.
- The legislative body should improve access to discrimination protection and law enforcement for those affected. For example, it could allow collective actions by appropriately qualified anti-discrimination associations and extend the time limits for taking legal action from two to six months (cf. the evaluation of the General Equal Treatment Act (AGG) in Berghahn et al. 2016 and the report of the Federal Anti-Discrimination Agency to the parliament from 2017).

161 For information on this, see <https://www.svr-migration.de/publikationen/integrationsgesetze/> [07.08.2020].

- The state can set a good example for diversity and active anti-discrimination as an employer. It should, for example, promote intercultural awareness and measures to make employees more aware of discrimination as defined in the General Equal Treatment Act (AGG), and it should also promote intercultural openness in the administrative system. Analogous to reporting on gender equality, public institutions could be obliged to report on the proportion of employees with their own or a family migration history. According to one view in the Expert Commission, corresponding target corridors or values could be formulated in a federal participation law and then regularly evaluated; the other view rejects quota-based non-binding target corridors or binding target values and an abstract demand for a federal participation law, the further contents of which would still have to be clarified. Information and data on international experience with increasing the representation of minorities in the public sector should be systematically collected and processed. Furthermore, it is important to develop strategies for the recruitment and further development of managers with a migration history.
- In terms of equality, when appointing members to bodies with state participation, care must be taken to ensure that immigrants, their descendants and other groups affected by disadvantage are adequately represented.
- Institutions that develop, implement and evaluate special targeted diversity measures should be publicly recognised and valued (for example through certification, labels, diversity audits or similar).

#### Labour market:

- Traditional recruitment methods should be reconsidered and modified, for example through the use of anonymous applications, even if this is often difficult to implement in smaller companies. Additionally, it could be helpful to set up staff selection committees for job appointments, with members who have been sensitised to discrimination and are heterogeneous within the meaning of the criteria of the General Equal Treatment Act (AGG).
- In their own interest, companies and employers should prevent discriminatory practices and create opportunities to identify them more quickly, e.g. by appointing diversity officers.
- The public sector should set an example with regard to efforts to increase diversity.

#### Media:

- The media must avoid stereotypical and fixed attributions in their reporting. Persons with a migration background (in the previous statistical definition) are often summarily portrayed in the media as “foreigners”, although more than half of them are German. Whenever possible, the media should ask what designations the persons themselves would use to describe themselves.
- In terms of equality, the aim is to have more people with their own or a family immigration history working in newsrooms, at all hierarchical levels.

#### Education:

- The topic of structural and institutional discrimination – just like prejudice-conscious education – must also be part of teacher training.
- The normality of migration and diversity in the immigration society should be a compulsory component of the curriculum for history lessons and other school subjects as well. Existing teaching content should be viewed from multiple perspectives. Teaching material in all subjects must reflect the everyday life of all children in a diversity-sensitive way (cf. Chapter 4.2.2).

#### Civil society:

- Anti-discrimination offices and other governmental contact points should be strengthened and they should connect with corresponding civil society organisations. Migrant organisations and new German organisations active in this field should be supported initially so that they can professionalise and expand nationwide.

## 4.6 Health

In the field of health, three areas are particularly important for the participation opportunities of immigrants and their descendants, as well as for the integrative opportunities of society as a whole:

1. the health of immigrants and their descendants, important determinants of health and the type of health care this group receives;
2. reporting on the health and health care of immigrants and their descendants;
3. the integration of migrant health workers.

Before describing these three areas in more detail, health is first defined, after which the right to health is discussed and social determinants of health are addressed.



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#### 4.6.1 Health as a prerequisite for participation

According to the definition of the World Health Organisation (WHO) from 1946, which is still used today, health is “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”. (WHO 1946/1948). Nobel prize winner Amartya Sen has further developed this definition in the sense of his *capability approach* as follows: “Health is the physical and psychosocial condition that enables each person to achieve the full development of his or her capabilities [...], and the absence (or relevant reduction) of suffering, pain and impairment.” This definition appears to be particularly suitable with regard to improved participation, because it includes the “full development of [one’s] own abilities” as a central component of health. This requires a good physical and psychosocial condition, which in turn requires appropriate living and working conditions and access to health services. One of the prerequisites for achieving the best possible health is thus to improve the willingness of social institutions to integrate – here, in the area of health (see determinants of health below).

#### 4.6.2 (Human) right to health

The right to the best attainable physical and psychological health and to the best possible health care is a fundamental human right. Therefore, all people have this right in principle (OHCHR/WHO 2008; WHO 1946/1948).<sup>162</sup> The extent to which immigrants have access to free state health care is made dependent in many countries by the respective national legislation on certain characteristics, such as nationality or residency status (Offe et al. 2018; OHCHR/WHO 2008; Ooms et al. 2019). Especially for asylum seekers and persons who are obliged to leave the country, Germany’s Asylum Seekers Benefits Act stipulates, in accordance with the Reception Directive and the Return Directive of the European Union, that only emergency health care must be provided free of charge until the asylum claim and residency status have been clarified, but for a maximum of 18 months (Section 2 Asylum Seekers Benefits Act – AsylbLG). According to some members of the Expert Commission, the reference to the German and European legal situation shows that the concept of human rights is not necessarily to be understood here in the sense of judicially enforceable positions, but instead describes a general target in a political-aspirational way, without being legally binding.

#### 4.6.3 Social factors that influence health

A commission appointed by the WHO under the leadership of Michael Marmot submitted its final report in 2008 with the title – *Closing the Gap in a Generation: Health Equity through Action on the Social Determinants of Health* (SDH) (WHO Commission on Social Determinants of Health 2008). The report identifies **living conditions as an important factor determining health and illness**; it names the unequal distribution of resources (including political and economic power) as a central cause of health inequalities. To reduce health inequalities, these other inequalities and their determinants – such as low education or the disadvantage of certain groups – must first be identified and the success of measures to reduce them must be measured. Health-reporting systems can contribute to this.

#### 4.6.4 The health of migrants and its determinants

Successful integration of migrants requires them to develop to the best of their abilities; for this, they must be as healthy as possible. For the best possible health, people who have immigrated (temporarily or permanently) to Germany must be integrated as well as possible in all health-related areas in the sense of participation that is equal before the law.

##### 4.6.4.1 The health of migrants

Migrants are a very **heterogeneous group** in terms of country of origin and the reasons for and time of immigration. It is therefore difficult to make general statements about their state of health. The spectrum ranges from people who – compared to the population of their respective country of origin – enjoy above-average health (e.g. in the area of regular labour migration, which healthy people opt for, or in the case of a prior health check) to people who are severely traumatised physically and psychologically (e.g. in the context of forced migration) (Frank et al. 2017; Razum/Wenner 2016).

Upon arrival in Germany, immigrants may bring certain disease risks with them from their countries of origin (protection seekers may also be exposed to additional risks while fleeing). For example, people from poorer countries are more likely to contract tuberculosis (Bozorgmehr et al. 2018; Spallek et al. 2011). When they have lived in a new country for a longer period of time, migrants predomi-

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162 On the other hand, you have no right to actually be healthy – the factual state of health of a person depends on too many other factors, some of which are individual and some of which cannot be influenced.

nantly suffer from the same diseases as the non-migrant population; often only the frequency patterns differ. **Over the generations, most disease risks tend to converge. However, this also means that the health of immigrants and their descendants is influenced by the same social factors that affect the rest of the population:** In the long run, low education and low income mean a higher risk of illness and premature death (Abubakar et al. 2018; WHO Commission on Social Determinants of Health 2008).

#### 4.6.4.2 Determinants of the health of immigrants and their descendants

Health depends not only on individual behaviour or pathogens, but also on social factors. This especially includes social status – which in turn is influenced by social and economic policies as well as cultural and societal values (including protection against racism) – and also the health system. These factors are called the social determinants of health.

Among the social determinants, the legal situation is also important in Germany because, in accordance with European law and the case law of the German and European courts, it grants certain groups lower entitlements than the (in the view of some members of the Expert Commission – aspirational) formulation of a human right to health in the WHO policy statements suggests. For example, the formal legal entitlement to health benefits under the Asylum Seekers Benefits Act (AsylbLG) does not fully correspond to the human rights entitlement to the best possible health: Certain groups of immigrants have only limited legal entitlement to health services. In Germany, health and the best possible health care are de facto initially linked to nationality or residency status. Health benefits are restricted for the following groups (Offe et al. 2018):

##### ▮ Asylum seekers (Section 4 AsylbLG)

According to AsylbLG, asylum seekers are entitled to health care. However, according to Section 4 AsylbLG, in the first 18 months (until 2019: 15 months) of their residence, this is limited to urgent care and pain treatments, care for pregnant women and vaccinations (this restriction does not apply in Bremen and Hamburg). If the asylum application is approved, the same benefits are granted as Germans would receive in a similar situation. However, in the case of a legally binding rejection and a resulting obligation to leave the country, the restrictions of the AsylbLG continue to apply. In many municipalities in Germany, protection seekers in these cases have to apply for a medical treatment certificate at the social welfare office before visiting a doctor. In some municipalities, the need for medical treatment is assessed by non-medical staff and the treatment can be approved or refused. In

other municipalities, however, medical treatment certificates are issued without such testing. Thus, a protection seeker's random assignment to a municipality determines the actual access he or she will have to health services (Razum/Wenner/Bozorgmehr 2016). The use of psychotherapeutic care is also limited, even though protection seekers have an increased need for care here (Baron/Flory 2018; Böttche et al. 2016; Frank et al. 2017). The risk of psychological illness is even higher among protection seekers who are accommodated in collective accommodation and arrival centres for asylum seekers in Germany. The limited capacities of the psychosocial centres further complicate the psychosocial care of protection seekers (Baron/Flory 2018). The capacities thus urgently need to be expanded. This would also help mitigate a resource conflict with the non-migrant population.

##### ▮ Migrants with irregular residency status

For migrants staying “irregularly” (i. e. without regular residency status) in Germany, health care is also limited to emergency treatment and maternity care. Apart from that, care is made more difficult by the fact that public bodies are obliged to report such cases to the foreigner registration office under Section 87 of the Residence Act: Since this can lead to deportation, the persons affected often do not seek treatment. In practice, this continues to apply in many cases, although a General Administrative Regulation on the Residence Act came into force in October 2009, according to which employees of a hospital administration are now also subject to professional discretion; in this respect, they are not obliged to disclose information. However, not all employees and those affected are aware of this regulation (Offe et al. 2018), so that the fear of negative consequences continues to prevent many migrants with irregular residency status from claiming a health benefit.

##### ▮ EU migrants without regular employment

Health care for EU migrants is restricted by the Exclusion of Benefits Act, which was passed at the end of 2016. It concerns persons from other EU member states who have entered Germany for job-seeking purposes or do not have a substantive right of free movement. The latter is particularly the case if someone is not working, does not have other financial means of support or can claim a derivative right of residency through family members. These people are entitled to treatment for acute illnesses and pain, as well as maternity care. However, this entitlement is limited to a maximum period of one month within a period of two years (Offe et al. 2018). EU citizens who work or have a right of permanent residency, on the other hand, have full access to regular health services. This also applies to people who receive supplementary social benefits in addition to gainful employment.

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From a health point of view, the majority of the members of the Expert Commission are in favour of lifting the restrictions on health services that apply to individual groups of people and granting them benefits comparable to those granted to recipients of social benefits. In the case of asylum seekers, no increase in costs should be expected as a result as compared to the system of limited care; on the contrary, considerable savings can be achieved (Bozorgmehr/Razum 2015).

A minority sees it differently. As justification, it argues that the reference to “equal participation opportunities” raises the question of the appropriate comparison group. Specifically, persons without a right of residency who are obliged to leave the country are not in the same situation as German nationals or non-Germans with a residence permit. If persons who are obliged to leave the country are to be granted emergency care free of charge in Germany in accordance with the applicable law, they may nevertheless be in a better position than under the standard health care system in their country of origin. Especially in the case of persons without a right of residency, equal participation cannot be measured solely according to national criteria, which must also be taken into account in the constitutional assessment (Thym 2016c). Additionally, according to the minority, equal treatment of persons without a right of residency can under certain circumstances be a motivation to disregard the legal obligation to leave the country or to choose Germany as a country of destination from the outset. This applies especially to people from less prosperous EU countries and neighbouring countries such as those in the Western Balkans, as well as to irregular secondary migration of those who have submitted asylum applications within the EU. Concerns were also expressed about the need for skilled workers and resources. The extent to which these concerns are justified is assessed differently by the members of the Expert Commission.

In Germany, the formal legal entitlements to health services outlined above thus do not guarantee that all population groups have equal access to corresponding services. However, even immigrants, who are in principle entitled to the same benefits of statutory health insurance (SHI), sometimes face specific obstacles. Such access barriers can be traced back, for example, to poor German language skills and (depending on the knowledge or culture) to different expectations regarding health services (Robert Koch Institute 2015). They ultimately lead to migration-specific differences in care, which, among other things, are evident in rehabilitative, nursing and preventive care (ebd.; Schott/Razum 2013; Tezcan-Güntekin et al. 2015). The demo-

graphically linked ageing of society increasingly affects the group of immigrants and their descendants. However, specific care needs and barriers often come together for older migrants. For example, nationally oriented care structures interfere with continuous medication-based health care for migrants who live transnationally in retirement age and commute between Germany and their country of origin, for example. The utilisation of care services for older migrants is also complicated by numerous barriers and specific care needs (such as insurance status, cultural differences, migration-related discrimination and communication problems) (Tezcan-Güntekin et al. 2015).

**In order to overcome these barriers, health care must be designed in a diversity-sensitive way** (Herrmann/Kätker 2007). Thus, it has to perceive different needs and requirements of patients, which are caused by characteristics such as age, gender, religion or sexual orientation – parallel to or beyond the migration history. This requires the willingness of all involved to engage in a type of constant negotiation in order to identify and remove barriers to accessing health care. This search for consensus is not limited to the patients (with and without migration history); it must also and above all include staff at health care facilities and ultimately the entire population. The latter aspect also serves as a basis for the preparation of legislative measures that may be necessary to facilitate integration. Only a few required interventions are actually migration-specific, such as the provision and financing of language mediation services.

#### 4.6.5 Health-reporting system on immigrants and their descendants

A health-reporting system (GBE) regularly documents the health situation of the population or specific population groups. It includes aspects such as diseases, health behaviour, risk factors, medical and nursing care, and the associated costs.<sup>163</sup> The first health report with a focus on migration appeared in 2008, i.e. some 50 years after the beginning of labour migration to Germany (Razum et al. 2008). Since then, there have been more data sources that record characteristics for a possible “migration background”. However, nationality is still the indicator most often used, and it does not provide reliable information on whether and, if so, when a person migrated (Dyck et al. 2019). Other data sources such as the micro-census and the socio-economic panel (SOEP) do collect information on “migration background” in detail, but for a long time contained little and only self-reported information on health (Razum et al. 2008). Only an ongoing project by the

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163 Cf. [https://www.rki.de/DE/Content/Gesundheitsmonitoring/Gesundheitsberichterstattung/Allgemeines/allgemeines\\_inhalt.html](https://www.rki.de/DE/Content/Gesundheitsmonitoring/Gesundheitsberichterstattung/Allgemeines/allgemeines_inhalt.html) [10.08.2020].

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Robert Koch Institute aims to collect health-related core indicators in a representative manner in the routine GBE surveys – at least for migrants from certain countries of origin in future (Bartig et al. 2019).

For a long time, the data on the health of protection seekers was only collected locally (e.g. in the reception centres) and not analysed centrally because it was not collected in a standardised way and there were no secure ways of transferring data (Razum/Bunte et al. 2016). A new project funded by the Federal Ministry of Health for a short period of time (PRICARE) is now collecting data on medical care in selected reception centres in a standardised format and compiling it anonymously for central analyses (Nöst et al. 2019). Sustainable financing for this or a similar project is missing so far.

In order to be able to identify health problems or deficits in the care of individual population groups, data must be collected with a characteristic feature of the groups concerned, for example the previous “migration background” or – as the Expert Commission proposes in this report – as “immigrants and their (direct) descendants” (cf. Chapter 5.8). However, when attributing such categories, not all groups are correctly recorded (Will 2019). Additionally, there is the danger of the “essentialisation trap”, in which people (without being asked themselves) are fixed in the long term to a certain aspect of their complex identity (multiple affiliations are usually not recorded). A conceivable alternative would be for the persons concerned to determine their group membership themselves. However, this usually does not lead to fundamentally different solutions, since categories have already been established in previous social discourses – and if it does, the multiplicity of categories thus created poses analytical problems. Thus, it remains a constant challenge to critically examine the GBE again and again to ensure that the categories used for data collection contribute to integration and not to further exclusion. Integrative terminology must also be developed for the presentation of the results.

#### 4.6.6 Integration of migrant health workers

Another challenge is to integrate recruited foreign professionals or professionals with a history of flight into Germany. This was already evident in the last third of the 20th century, but so far it has not led to sufficient reforms. Due to the revision of the Recognition laws in 2012, foreign vocational qualifications have been formally recognised more frequently and more quickly in recent years (Ekert et al. 2017). However, in the context of the current forced migration, the same or similar challenges arise again. This also applies to the planned recruitment of nursing staff from third countries, which is supposed to help cope with

the “nursing shortage”. Two problem areas emerge that are of considerable importance for the design of a sustainable integration policy: On the one hand, integration into the education, training and employment system is made more difficult or prevented by the fact that academic degrees and professional qualifications are not recognised or are recognised with delays, as well as by the fact that the immigrants speak little German and their prospects of staying are uncertain. This applies especially to refugees, who are often unable to provide written proof of the qualifications they have obtained (UNESCO Global Education Monitoring Report Team 2018).

On the other hand, there is also a problematic tendency to equate unequal degrees. Especially in the health and care sector, highly skilled migrant workers are employed below their status, i.e. at the same level as lower-skilled workers. Not even the formal recognition of professional qualifications acquired abroad regularly leads to the persons concerned finding employment corresponding to their education. In summary, there is a discrepancy between formally acquired qualifications (institutionalised cultural capital) and acquired competencies such as professional knowledge, work experience and soft skills (incorporated cultural capital) (Pütz et al. 2019). The devaluation of cultural capital (Bourdieu 1992) goes hand in hand with a structural “de-skilling”, or professional de-qualification (Pütz et al. 2019). Migrant professionals are thereby degraded to “pupils” by attributing to them “missing” competencies (in relation to the German language, social manners, etc.) (ibid.). Similar to the situation with “foreign worker migration” (Herbert 2017), this creates a hierarchy between the established professionals and the immigrants, which subtly unfolds an underclass of migrated skilled workers. Low social status in turn has a negative impact on health-related opportunities (cf. SDH model, Chapter 4.6.3). Moreover, social disadvantage reduces the likelihood that migrant professionals will stay in Germany.

#### 4.6.7 Specific health-related challenges posed by COVID-19

The COVID 19 pandemic particularly affects people with a low socio-economic status. Firstly, living in cramped conditions makes social distancing and adherence to hygiene measures more difficult. Secondly, socially worse-off people are more likely to have risk factors such as obesity and type II diabetes, which can lead to more severe cases of COVID-19. Thirdly, low formal education often goes hand in hand with low health literacy, which makes preventive measures more difficult to understand (e.g. measures to protect against infection even in apparently healthy people; the requirement not to visit elderly relatives). Since

COVID-19 affects the socially disadvantaged more, the pandemic further increases social inequality (Platt/Warwick 2020).

Since people with a migration history have a lower socio-economic status on average, the three points mentioned above apply to them more frequently than to the non-migrant population. Additionally, many migrant groups have a higher prevalence of diabetes and obesity than the non-migrant population (Page et al. 2020). This means that they are more likely to contract COVID-19 and that the infection will be more severe. In England and the USA, ethnic minorities also have an increased risk of dying from COVID-19 (Platt/Warwick 2020). The extent to which both these aspects apply to Germany cannot be determined with the available data (as of 10 August 2020).

In addition to the three points mentioned above, immigrants and their descendants experience certain types of stress specific to their group in the context of COVID-19. This especially includes

- › Restrictions on existing transnational lifestyles with reduced contact with family members in other countries,
- › Restrictions on labour migration (seasonal workers; see Chapter 4.3) and
- › increased discrimination or racism (Kluge et al. 2020).

On a positive note, institutions such as the Federal Centre for Health Education (BZgA) were very quick to provide information materials on COVID-19 and prevention measures in many different languages.

Future pandemic planning should explicitly include both immigrants and their (direct) descendants as well as protection seekers. For example, it must be possible to collect health-related data specifically for these groups, without them being disadvantaged as a result (Bhopal 2020).

Particular consideration should be given to people living in group or collective accommodation, such as seasonal workers and protection seekers, as well as undocumented migrants; these groups are particularly at risk from a health perspective due to their situation (Bhopal 2020; Kluge et al. 2020; Page et al. 2020; Razum et al. 2020; Bozorgmehr et al. 2020). In the event of COVID-19 outbreaks in reception centres and collective housing arrangements, evacuations should be carried out at an early stage from an epidemiological point of view – instead of collectively quarantining those living there (Bozorgmehr et al. 2020), as the spatial conditions usually do not allow for effective protection of those who are not infected. A legal basis

for this would still have to be created, and the necessary resources would also have to be made available. Protection seekers must be accommodated from the outset in such a way that they can comply with the requirements of the Corona Protection Ordinance (especially in terms of social distancing and following hygiene rules). However, the active participation of protection seekers is also required to ensure effective implementation of the associated measures.

#### Recommendations:

- The ability to participate individually and socially is linked to good structural and social conditions for participation. Health participation can therefore not be understood solely as an individual adaptive process. Instead, strategies to improve the health of migrants can and must start at various points in order to reduce disadvantages and enable participation that is equal before the law.
- The health reporting system on immigrants and their (direct) descendants (including protection seekers) must be expanded in order to be able to identify and remedy structural deficits in the care offered to this group. This especially applies to the group of older immigrants and to morbidity and mortality statistics. For this, an inclusive language and corresponding instruments need to be developed.
- Health services should be made more diversity-sensitive (instead of culturally-sensitive as before).<sup>\*</sup> This also includes language mediation where necessary; responsibility for this must be clarified and the aspect of financing must be taken into account. This cannot and should not replace language acquisition among immigrants and their descendants.
- The interfaces between health services in Germany and the health systems of the countries of origin should be improved in order to ensure continuity of care in the event of return or so-called commuter migration.
- The procedures for the recognition of foreign qualifications in the health sector should be further accelerated and, if necessary, more broadly funded; in doing so, quality standards need to be maintained. Job-specific language support for both migrant and non-migrant health workers must also be expanded.
- *Health literacy* should be strengthened among immigrants and their descendants – as well as among other disadvantaged groups. This requires the active cooperation of the groups concerned.<sup>\*</sup>

- From the perspective of health, the restrictions on health services for individual groups of persons should be lifted and these groups should be granted services equivalent to those granted to social benefit recipients. Policy makers additionally include further points of view in their decisions here, whereby these are evaluated differently by the members of the Expert Commission.
- The capacities for psychosocial treatment must be expanded, also in order to reduce the competition for resources between protection seekers and the non-migrant population.\*
- Protection seekers must be accommodated in such a way that they can comply with the requirements of the Corona Protection Ordinance (especially in terms of social distancing and following hygiene rules). Here, the active participation of protection seekers is required.
- In the event of COVID-19 outbreaks in reception centres and collective housing arrangements, evacuations should be carried out at an early stage from an epidemiological point of view – instead of imposing a collective quarantine. A legal basis for this would still have to be created.

\* Not only migrants, but other population groups will also benefit from these measures.

## 4.7 Municipalities and governance

***It's more than just a long-standing cliché: Integration takes place on the ground. However, municipalities are embedded in supra-local levels of competence. The years 2015 and 2016 and the resulting integration tasks have amounted to a considerable test of endurance for the municipalities over the past five years. Many cities, municipalities and districts have demonstrated their performance capabilities and expanded them, and they have addressed the special challenges of this time in a solution-oriented manner.***

This new self-confidence manifests itself not only, for example, in the “We can integrate” statement that is often used by top politicians in the municipalities, but also in the fact that the administrative structures of local governments and their cooperation with local civil society organisations are becoming increasingly professionalised (Gesemann/Roth 2018, p. 2).

The municipalities play a key role in local integration in the sense that they implement their integration-relevant action strategies in numerous policy areas (local pre-schooling, education and training, economic and labour market policy, family, health, urban development, cultural policy, housing construction and social housing promotion, property land policy. etc.) and also promote cooperation with local companies and civil society groups on the ground. At the same time, they cannot independently influence an essential factor in the integration process: time. The duration of asylum procedures or other legal procedures relating to foreigners, the duration of procedures for the recognition of educational and vocational qualifications, the wait for suitable language support measures and/or the wait to access these all influence integration on the ground – mostly in a disadvantageous way. Here, municipalities and civil society often apply a lot of energy and know-how to keep the integration process going. The municipalities also face the particular challenge of having to combine the integration of recently arrived protection seekers and the integration of migrants who have been living in Germany for a long time. In addition, it is the municipalities that are particularly committed to social cohesion – and today they need active support from the federal and state governments more than ever.

The administrative structures for integration (integration offices, commissioned administrative departments, units, departments, centres, etc.), which many municipalities have been building up for a long time, have expanded and strengthened their coordination and cooperation expertise. They have been further professionalised by the challenges of the last five years and – in very different ways – have become more institutionalised as well (see Schammann/Bendel et al. 2020 for more details). Nevertheless, the municipalities would like to see their capacity to act further reinforced. For this, on the one hand, they seek to achieve stronger (vertical) cooperation with the other political levels – and in many cases obtain support from them as well (cf. Chapter 4.7.2). On the other hand, many municipalities (partly proactively, partly by necessity) strive to interlink their own administrations (horizontally) with local civil society and to exchange ideas with it as well as with one another (cf. Chapters 4.7.4 and 4.7.5). Municipalities want to maintain and expand their administrative and advisory structures and preserve the professional expertise they have acquired. They also hope that a system often marked by project-based work (“projectitis”) will be replaced by reliable, sustainable and long-term financing

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that<sup>164</sup> can also be used to establish or secure<sup>165</sup> a continuous exchange of experiences and best practices among the municipalities.

The Expert Commission therefore makes proposals on the governance of the municipalities and its possible further development from a municipal perspective, but also takes the other political levels – the states and the federal government – into consideration. Overall, it advocates significantly strengthening the competencies of the municipalities and the conditions for their ability to act. This is connected to the understanding of integration described in Chapter 5, which detaches integration tasks from the context of migration.

In a complex governance system with “very fragmented and opaque responsibilities” (Bogumil/Hafner 2020; Bogumil/Kuhlmann, official hearing<sup>166</sup>; cf. also Schammann/Kühn 2016; Bendel/Schammann et al. 2018) and correspondingly difficult coordination and communication, the primary task is to create clear structures that are as simple as possible. Municipalities are positioned differently in terms of the qualities and conditions they can offer. Their economic, demographic and social circumstances are therefore also decisive for their ability to act. Accordingly, (financing) instruments, funding and investment programmes must be flexible enough to follow different paths even if goals are similar. This concerns not only the “tough” institutional instruments for improving the municipal framework conditions for integration but also the “softer factors”: The political culture needs to be further developed, narratives on migration and integration need to be shaped and, finally, staff at all administrative levels of the municipalities need to be trained and educated in accordance with the latest knowledge (Schammann, hearing).

The fact that politics (federal, state and municipal) is closely interwoven horizontally and vertically and that responsibilities are not always clearly marked off will not be entirely preventable in our federal system. However, we should do what we can at all costs to avoid the negative effects of this fact such as “passivity, diffusion of responsibility and parallel structures” (Schammann, hearing). One the Expert Commission’s objectives is therefore to closely an-

alyze the existing governance structures. For this purpose, we first look at the municipal governments themselves and then at their relations with the state governments and the federal government.

#### 4.7.1 Key role of municipalities for local integration

***There is not “one” municipality, but many different ones. This means that flexible support needs to be provided in individual cases (“personalised solutions”).***

All municipal levels – cities, communities and districts – can decisively influence the social and political framework conditions for integration and “mobilise resources for integration on the part of migrants as well as on the part of social integration sectors (the labour market, the housing market / districts, schools, religious communities, families)” (Bommes 2018, p. 104). It is the municipalities that act in these different policy areas, and in some cases are already acting in a cross-departmental way, by horizontally networking the areas and thus also local administrative structures (Bogumil/Kuhlmann, hearing).

In order to perform the networking task, the different challenges of the individual municipalities must be taken into account: There are large and small, financially strong and financially weak municipalities, municipalities with a strong and weak labour market, and urban and rural municipalities with very different political-social orientations. Other difference variables that can play a role in dealing with immigration (cf. Bendel/Schammann et al. 2018) are political experience, tradition and the “branding” of municipalities (such as “Open by Tradition” – the motto of Erlangen). In addition to structural framework conditions, other aspects are important for how existing scope for action is perceived: How do key players within the municipalities fulfil their role as workhorses of change – for example mayors, but also full-time and voluntary integration officers, (voluntary) integration guides or education coordinators? (so-called transformative actors, Schammann, official hearing)

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164 The municipal quality circle on integration policy – briefly referred to as the municipal quality circle on integration – has been doing pioneering work in this regard for many years.

165 This strengthening of municipal capacity to act is not only necessary against the background of global migration movements. It should also make the right of EU citizens to freedom of movement enforceable at the municipal level and facilitate their participation.

166 At the Expert Commission’s fourth plenary assembly on 6/11/2019, it held a hearing entitled “Do we have the right administrative structures?” with Ms Nele Allenberg and Prof. Martin Burgi, Prof. Hannes Schammann and Prof. Jörg Bogumil. Prof. Sabine Kuhlmann, who was invited but was unable to attend the plenary assembly, was also interviewed by the Expert Commission Office on 1/11/2019. More detailed information can be found in the appendix. Below, only the name of the person(s) heard is mentioned and reference is made to the hearing.

## 4.7.2 Vertical cooperation with the federal and state governments

*(New) immigration and integration are (like housing and urban development) joint tasks of the federal, state and municipal governments.*

The best results in such joint tasks are achieved through good cooperation. This includes clear responsibilities or at least clear agreements. In principle, the municipalities would like to see better communication between the federal and state governments; moreover, this communication should become more transparent for the municipalities. They would also like to see a strengthening of the partnership principle, according to which the states and municipalities are consulted on the topic of immigration and integration before the federal government passes laws (meeting of the municipal integration quality circle on 12/1/2019). The same applies to the laws of the states that govern the implementation of federal laws: The states should also discuss these with the municipalities at the beginning of the decision-making process in order to be able to take their needs into account in a better manner.

### 4.7.2.1 Federal regulations

*The German Asylum Seekers Benefits Act (AsylbLG) is a social law with special status, which, even though it causes additional administrative work, fulfils a political function. It was the subject of controversial debate within the Expert Commission.*

As soon as an asylum application has been approved, the person concerned is no longer covered by the AsylbLG but instead by the Social Code. The responsibilities are then transferred from the Federal Employment Agency and the municipal social services to the local job centre. This change of legal status can lead to complicated administrative procedures. This is a critical interface in the integration process because if handover management is lacking or inadequate, information on the integration process to date could be lost (Bogumil et al. 2017).

In order to circumvent the previously required change of legal status from the AsylbLG to the Social Code (Social Act (SGB)) II, III and XII, several parties have suggested dispensing

with the AsylbLG altogether (Bogumil/Kuhlmann/Schammann, hearing; Schulze-Böing, statement for the Expert Commission). This proposal is controversial. However, it is supported by the fact that the administrative expense associated with the change of legal status would be eliminated and the municipalities would be relieved of certain burdens.<sup>167</sup> At the same time, both migration policy and socio-political arguments have been put forward in favour of keeping the AsylbLG: The group of beneficiaries according to the AsylbLG includes materially needy asylum seekers and tolerated foreigners and foreigners who are under an enforceable obligation to leave the country (even if they do not – or no longer – have legal residency status). Benefits in accordance with this law are thus only granted to persons whose (residency) status is still open or who have no right to reside in Germany at all. These persons thus have a fundamentally different status than persons entitled to social assistance who must receive basic benefits for other reasons or due to other circumstances. Those who support the AsylbLG also emphasise that it reduces the incentives for protection seekers whose asylum applications have been rejected to stay in Germany (illegally) and that this also reduces the incentives to come to Germany in the first place (so-called pull factors). This applies especially to so-called secondary migration within the European Union (cf. Chapter 3.8). The box below briefly describes the origin of the AsylbLG and the discussions about it.

### Origin of the AsylbLG

In Chapter 2.2.1 of this report, reference was made to the so-called asylum compromise, which the German parliament adopted in 1993. It included the amended Article 16, now 16a of the Constitution, the accompanying procedural laws and the Asylum Seekers Benefits Act (AsylbLG). The latter created an independent legal basis for the types of benefits asylum seekers and other foreigners receive, and in what form.

The AsylbLG is regularly referred to as a “special rights regime”. Legal modifications were made to it as a result of a decision by the Federal Constitutional Court in 2012.<sup>168</sup> Additionally, there is repeated criticism that this law only allows for emergency health care (see Chapter 4.6.2 for more details). According to widespread opinion (among other things, of trade unions and welfare associa-

<sup>167</sup> The most recent amendment to the AsylbLG at least closed a funding gap caused by the change of legal status, which had previously led to training programmes not being started or even being discontinued. However, it is clear that the AsylbLG is based on considerations other than administrative ones, so a quick abolition should not be expected.

<sup>168</sup> See Federal Constitutional Court (BVerfG), ruling of the First Senate from 18 July 2012 – 1 BvL 10/10, margin no. 1–114, [http://www.bverfg.de/e/ls20120718\\_1bvl001010.html](http://www.bverfg.de/e/ls20120718_1bvl001010.html) [10.06.2020], and the instructive presentation by the Research Services of the German Parliament on the changes to asylum regulations and the right of residency since January 2015, focusing on Asylum Package I and II, WD 3 - 3000 - 018/16, <https://www.bundestag.de/resource/blob/424122/05b7770e5d14f459072c61c98ce01672/WD-3-018-16-pdf-data.pdf> [10.06.2020].



tions such as Caritas and the German Parity Welfare Association), it is discriminatory and the restricted benefits for its group of persons are not constitutionally permissible. Instead, those entitled to benefits should be included in the regular social assistance systems (Social Act (SGB) II, Social Act (SGB) XII) (Caritas 2014; German Parity Welfare Association 2020). However, the requirements are in line with European law, which does not require that asylum seekers or persons who are obliged to leave a country should be treated equally to a country's own nationals in terms of health services or access to social benefits.<sup>169</sup>

It is also discussed that under the AsylbLG, the responsibility shifts to the states and municipalities, and thus the financial burden on the municipalities also increases. This depends on the regulations on cost distribution in the states: Some states bear the costs that arise from this law completely in the form of per-incident accounting (e.g. Bavaria); in other states, considerable costs also remain with the municipalities through flat-rate financing (e.g. Hesse).

The aim of the AsylbLG was and is to limit the immigration of protection seekers to Germany and to prevent misuse of the right of asylum by preventing the creation of incentives for migration through social benefits that are very high by international or European standards.

The Federal Constitutional Court declared the lowering of the benefit level in 2012, which the government justified as being crucial to migration policy, to be unconstitutional, and with the reform of the AsylbLG of 2019, the benefits rates were brought more in line with social assistance or basic benefits for job-seekers. However, the court also considered the law as a whole to be constitutional. Following subsequent reforms, certain groups of people are now excluded from social benefits altogether. This applies especially to EU citizens who are not entitled to freedom of movement; although they are not subject to the AsylbLG, in principle they have no access to the benefits of the Social Act (SGB) II. The same applies to persons who have already been recognised as refugees in another EU member state. Opinions vary as to whether these requirements comply with constitutional law. Initial judicial decisions have largely confirmed that it is illegal to exclude nationals of other EU countries from social benefits.

#### 4.7.2.2 Better exchange of data and information

*As a country with a federal system with different administrative levels that have different responsibilities, Germany depends on a smooth and reliable exchange of data and information. A unified data platform promises improvements in this regard.*

The inadequate exchange of data and information across levels and authority boundaries leads to problems in registration, the granting of residence permits, and asylum and appeal procedures (here and as follows: Bogumil/Kuhlmann, hearing; statement Schulze-Böing). In order to simplify and improve the exchange of data and to include the municipalities in the exchange of information on an equal footing before the law, the Central Register of Foreign Nationals (AZR) could, according to the second Data Exchange Improvement Act, function as a “platform” (ibid.) in migration management. The exchange of data between issuing authorities in accordance with data protection principles should also be made possible by law, especially in the case of the agencies responsible for the AsylbLG and Social Act (SGB) XII. Additionally, electronic files for foreigners should be introduced nationwide. Common IT standards or standardised IT interfaces between the states should be supported by the federal government. In some municipalities, there are pilot projects that facilitate the transition of responsibility between authorities and are worthy of imitation.<sup>170</sup>

The Expert Commission recommends that integration steps also be made known and accessible to the competent authorities in the arrival phase via suitable platforms. For example, the following information could be entered: existing German language skills, German courses attended, school education, foreign qualifications or internships and other qualifications or further training.

As a pragmatic interim solution, some municipalities offer an education and guidance passport,<sup>171</sup> which is basically used on a voluntary basis. Educational institutions, counselling centres and internship organisers could enter such integration steps during the arrival phase.

169 See Article 19f. RL 2013/33/EU and Article 14 RL 2008/115/EG.

170 For example, see <http://www.staedtetag.de/fachinformationen/integration/079354/index.html> [14.08.2020].

171 This is what the district of Dachau has been doing since September 2019, for example, (<https://www.landratsamt-dachau.de/familie-bildung-migration/migration-asyl/integration-im-landkreis/bildungs-und-beratungspass/> [07.08.2020]), or the region of Hanover for the city and its 21 municipalities. (<https://www.hannover.de/F%C3%BCr-FI%C3%BChtlinge-For-Refugees/Hilfe,-Integration-Beratung/MY-GUIDE-%E2%80%93-dein-Organisations-System> [07.08.2020]). In Bonn, a partly multilingual “accompanying booklet” was developed in 2017 in which not only protection seekers themselves but also full-time and voluntary helpers can enter essential qualifications, courses, internships, counselling measures and much more. In this way, the steps of professional and social integration are documented and do not have to be asked about again and again.

### 4.7.2.3 Financial resources

#### ***The insufficient financial resources for the municipalities is an unresolved problem that has a major influence on their ability to perform their tasks.***

Integration, as politicians have repeatedly emphasised, is “a marathon, not a sprint”. And not only that: According to the Expert Commission’s understanding of integration, it is also a permanent task for society as a whole, a task that concerns everyone. Integration should enable and empower participation and involvement in social life. The municipalities have different tasks in terms of this overall social responsibility: They carry out mandatory tasks on behalf of the states, e.g. in the implementation of the Residence Act; they have mandatory self-administrative tasks, e.g. in youth welfare for unaccompanied minors; and they take on voluntary self-administrative tasks, e.g. the coordination of voluntary work (Schammann/Kühn 2016). They can only reliably fulfil these tasks of society as a whole – all of which are set for the long term – if the federal system provides the corresponding resources, especially in view of the considerable regional differences – for example in terms of jobs and available housing (cf. Chapter 4.8). The municipalities must be in a position to employ financial and human resources in a targeted manner in order to be able to resolve any conflicts of objectives that may arise. Furthermore, municipal umbrella organisations as well as individual cities and towns are demanding sustainable financing from the federal government and state governments in order to secure staff and infrastructure and implement standards – for example in the area of language acquisition services or support for finding training vacancies and housing. For the purpose of planning security, the Expert Commission welcomes the fact that in 2019, the federal government and the state governments decided to continue to support the municipalities, even if the acute integration costs appear to be decreasing.

Various municipal associations and networks (e.g. the municipal quality circle on integration) recommend making integration a mandatory task (e.g. through state laws). This is primarily about safeguarding standards (for example in accommodation) that have been achieved so far but which are in danger of being phased out if municipal infrastructures have to be dismantled due to a reduction in financing. It would be possible, for example, to establish new immigration and initial integration as compulsory municipal tasks – because this is where the greatest need for coordination with the other two political levels arises. It is recommended that IQ networks be made permanent and that initial migration counselling in the form of clearing centres be established at the municipal administration level. These centres should each fit in well with on-site

counselling activities. Also desirable would be higher staff numbers for (initial) migration counselling, support through external counselling and accompaniment, as well as a stronger inter-municipal exchange of good practices and know-how, in which not only representatives of the municipalities but also independent organisations and (migrant) civil society organisations should participate.

Compulsory social tasks currently account for the largest financial share of the overall budget of the districts, although these are partly co-financed by the federal government (old-age basic income support, reduced earning capacity pension according to the Social Act (SGB II) and the states. However, since the budget of towns and districts must be balanced, both the statutory and the so-called voluntary tasks of social security are aligned with their financial performance capability. One result of this “dilemma” is that the voluntary tasks, which especially consist of preventive social programmes, can barely be financed. However, preventive social policies, also in the form of counselling services and assistance, are very important for an immigration society.

The following must be taken in account: The municipalities and districts not only bear the main burden of the costs for social security, which increase from year to year; due to their unequal financial strength, the socio-political services of the municipalities and regions in Germany also increasingly differ, in part in municipalities and regions that are located very close to one another. This contributes massively to an “unequal Germany” and prevents equal opportunities, whereby in addition to a low level of financial resources overall, this is mainly due to the uneven distribution of such financial resources among the municipalities. In this regard, the Expert Commission also welcomes the core statements of the Federal Constitutional Court in its resolution of 7 July 2020 (2 BvR 696/12); when transferring tasks to the municipal level, the corresponding legal authority must be granted in addition to the financial resources necessary and sufficient (also regionally) to perform the tasks.

### 4.7.2.4 Financial support from the federal government

Since the federal government largely controls immigration law, its financial contribution to integration-related measures is important in the long run. At the same time, care must be taken that the principle of federalism (“principle of the golden rein”) is not undermined by permanent federal funding.

The Expert Commission has adopted the proposal to create funding portals in order to make it easier for potential applicants to gain an overview, especially in small municipi-

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pal administrative units (Bogumil, hearing). When designing new project and programme funding, the municipal level should also be consulted from the beginning because representatives of the municipalities often complain that the available resources do not necessarily match the tasks to be performed.

Apart from that, the Expert Commission suggests that the federal government support a flexible “Integration Concerns Us All!” programme in the sense of active promotion of participatory involvement in the municipalities. Similar to the federal programme – “Live Democracy!” – the aim is to promote competence centres at the municipal level and adapt proven, good practice examples from the states and municipalities (e.g. the Municipal Integration Centres (KIZ) in North Rhine-Westphalia, the “Stuttgart Way”, the Welcome Centre Stuttgart or the Berlin Neighbourhood Mothers or Integration Guides Programme) and to examine their suitability for other municipalities. There are many good individual projects; these need to be consolidated and implemented on a broader basis. The focus of this new federal programme should be on developing good administrative structures and networking municipal administrations with civil society stakeholders, and the programme should also be geared towards making these structures permanent. In order to promote cooperation and exchange, the focus should be on regions; thus, as a rule, the federal government would not support individual municipalities but instead a district or a community of municipalities. This should encourage all agencies with relevant issues (such as housing, urban development, employment, education and training, language acquisition and social counselling) to network in the region.

The “Integration Concerns Us All!” programme should aim to use the diversity in municipalities for productive social cooperation and enable the administrations to face the challenges and opportunities associated with the long-term task of “participation of all in all areas of social life, with as much equal opportunity as possible” (SVR 2012, p. 9). Here, the focus should also be on social cohesion and on bundling the policy areas in appropriately equipped authorities (which are also set up across municipal borders by several municipalities) and providing targeted support and further training for local staff (especially key individuals). In addition, the programme should strengthen the “Neighbourhood-Based Social Integration” investment pact<sup>172</sup> and specifically complement the federal government’s interdepartmental strategy “Strengthening Neighbourhoods, Coexistence in the Local Community” at the level of administration or its networking with civil society.

#### 4.7.3 Cooperation with the states

***All states should provide better and more targeted support to their municipalities through special support measures and also through appropriate legal framework conditions.***

The states must also ensure that their municipalities are financially sound. If the majority of municipalities are in favour of considering integration as a compulsory municipal task, this is not least due to their aim of making their financial resources permanent and expanding their financial possibilities (meeting of the municipal quality circle on integration on 12/11/2019). However, this does not amount to a call for an integration law “from above” that sets standards for the various fields of action of municipal integration policy.

Nevertheless, with integration laws, the states can anchor the topic of participation as a cross-sectional task in legislation, coordinate the responsibilities of foreign residents and social departments in a better way and assign corresponding tasks to offices or central institutions (Burgi, hearing). Within the framework of such a legal regulation, it could also be determined how integration should be structured as a compulsory municipal task. The states could contribute to the evaluation of existing funding programmes and, if necessary, relaunch them with an exchange of good practices and with the participation of municipal representatives.

At the practical political level, the Expert Commission suggests that the states also provide or coordinate advisory services (for example for standards in integration work, the development of integration concepts in the municipalities or the implementation of integration monitoring measures). The states can spread good practice examples (e.g. in case management) and thus empower the municipalities or support them more strongly with their efforts to take targeted action locally. For this, they could institutionalise advisory councils for integration governance in each state. Such advisory councils could transfer the existing expertise of the municipalities from the bottom-up to the integration commissioners of the states.

A permanent advisory council (comparable to the “sustainability advisory council”) at the federal level, staffed with politicians or experts from all political levels, could additionally establish a dialogue that would bring the experiences and practices of the different levels together and lead to the formulation of recommendations that can be further specified and implemented in the above-mentioned context.

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172 [www.investitionspekt-integration.de](http://www.investitionspekt-integration.de) [24.11.2020]

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## 4.7.4 Cooperation at the municipal level

### 4.7.4.1 Integration as a cross-sectional municipal task

Integration issues – especially with regard to the broad understanding of integration on which this report is based (cf. Chapter 5.3) – involve a variety of municipal policy areas and fields of action. Consequently, integration is not an isolated matter for integration officers. Instead, as a cross-sectional task at the municipal level, it is a task that spans all functions and responsibilities (Bertelsmann Foundation/BMI 2005). Interdepartmental cooperation within a municipality is essential against this background. In view of the “silo” structures that can result from a departmental arrangement, and which often continue to characterise administrations, integration should also be understood as a field of learning and an area that needs to be supported. Although the municipalities have known this for years and have also implemented corresponding measures, the way this works in practice is nevertheless constantly developing.

### 4.7.4.2 Pooling migration and integration-related administrative units

As experience shows, local integration work succeeds best where migration-related and integration-related administrative units are bundled. Many municipalities have had good experiences when foreigner registration offices cooperate closely with the units responsible for integration or economic services (discussion of the Expert Commission with the municipal quality circle on integration, city of Stuttgart; Bogumil/Kuhlmann, hearing). Such cooperation facilitates mutual understanding. The Municipal Association for Administration Management (KGSt) has also suggested such forms of cooperation. In a study of 92 municipalities in Germany (Schammann/Bendel 2020), many of those interviewed said that foreigner registration offices in particular – which have a central function especially in dealing with refugees – are not involved often enough in overarching strategic processes, for example in drawing up an integration concept. However, in the last five years, many administrations have also opted for a one-stop-shop procedure in which all municipal organisational units relevant to migration and integration – and in some cases also external players – are brought together closely in terms of space and organisational structures. This means that the entire range of thematic fields can be dealt with under one roof. Such a formalised and centralised type of administration (up to and including the “migration office”) also appears advantageous with regard to the sustainability of the structures. Still, it can also come under financial pressure. Therefore, structures should not be too rigid and should be able to respond to changing needs and requirements (ibid.).

### Promoting the exchange of experiences: Cooperation between the municipalities

The municipalities can look back on many decades of experience with municipal integration policy. At the same time, this policy is constantly evolving in order to be able to respond to ever new challenges. The knowledge and experience levels of the municipalities are different and their approaches to solutions are diverse. The Federal Republic of Germany is thus a “patchwork quilt” in terms of integration policy at the municipal level (Schammann 2016; Bendel/Schammann et al. 2018). However, it is precisely in this diversity of concepts and approaches that there is also the potential to view and use the different municipal conditions as a “living laboratory” (Bendel 2015).

It is essential for cooperation between municipalities to have formats in which experiences can be exchanged and learning from each other can take place. Inter-municipal cooperation is particularly important in and between smaller cities and towns. Where smaller municipalities cannot achieve a lot individually, some tasks can be tackled jointly by joining forces. At the district level, district administrators and mayors can exchange ideas and also develop and implement good practice examples jointly and across municipalities.

The Expert Commission therefore calls upon the federal and state governments to recognise the municipal exchange of experiences as a form of structural support and promote it accordingly. The different experiences and needs of cities, towns and districts should be taken into account. Cooperation projects and competitions, some of which are scientifically supported (e.g. by various foundations), or the “Living Together Hand in Hand – Shaping Local Communities” federal competition (2017-18), which was organised by the Federal Ministry of the Interior, Building and Community (BMI) and supervised by the German Institute of Urban Affairs (Difu), serve to express appreciation of local initiatives and make them known. These initiatives are based on municipal and inter-municipal cooperation as well as on cooperation with stakeholders outside administration, civil society and the realm of volunteers. The Expert Commission suggests funding initiatives to be launched in order to disseminate and consolidate best practices, projects and measures from individual municipalities. The criteria for the selection of corresponding projects can be defined and applied in an exchange between research institutes, municipal officials and the federal and state governments. In this context, the professional expertise of the municipal quality circle on integration, which has been practising the inter-municipal exchange of experiences in an exemplary manner for years and has corresponding inter-municipal expertise, can and should be consulted.

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#### 4.7.5 Cooperation with civil society – strengthening local voluntary work

***The state’s cooperation with other stakeholders, and especially civil society, has been strengthened by the influx of refugees and the way it has been dealt with. This cooperation should be permanently safeguarded and intensified.***

As already explained in Chapter 4.4.3, the experiences of refugee immigration, especially in 2015 and 2016, have clearly shown how full-time and voluntary helpers work together – in support of state agencies as well.

In order to establish integration-friendly and functioning municipal policy framework conditions, it is essential to institutionalise cooperation between the political-administrative system and external stakeholders. The term “cooperative municipality” already implies that the municipality sees itself as a “player among players” (Dahme/Wohlfahrt 2018, p. 88) and can assume a coordinating and/or moderating function here (cf. Bendel/Schammann et al. 2018). In many municipalities, various formats of such cooperation between administration and civil society have already been implemented in order to determine their effectiveness (round tables, coordination officers, so-called pilots, supervision, financial support for volunteers). The exchange about which formats have proven to be particularly effective (such as the AI model in North Rhine-Westphalia<sup>173</sup>) is also an important step towards a process of good practice that has been tested in this “living laboratory”. Here, it is also possible to reflect and discuss which forms of voluntary work are still appropriate and desirable. Good practice examples are often not very well known beyond a region because volunteering is concentrated at the municipal level and on specific issues within the municipalities. The Expert Commission therefore suggests that formats for supra-regional exchange also be supported and networked (cf. on voluntary work Chapter 4.4.3).

#### 4.7.6 Social counselling

***Integration policy – which is specifically addressed here using the example of (social) counselling – must be understood and further developed as part of a comprehensive social and societal policy.***

Here, the understanding of integration as it relates to social counselling also implies that changes need to be made

to the structure of social counselling and its financing – both for urban and rural areas. One option to reconnect the interests of municipal governments, state governments and the federal government could be for the federal and state governments to agree with the municipalities and districts on local or regional social security targets and then adequately fund these. A regional budget also seems to be a feasible option here. The target achievement agreed upon would be tracked via monitoring. For this, the federal government should provide money, which the states can supplement with their own funds; the states should then conclude corresponding target agreements with the municipalities and districts.

Apart from the necessary requirements for local social policy described above, the question remains as to whether guidance structures and services need to change in order to promote or ensure participation and involvement. It is also a question of the need for specific counselling structures for immigrants and protection seekers, and the fact that it would be better to offer this counselling in a decentralised manner in neighbourhoods. The diverse counselling services in cities and towns would then be accessible to all, depending on their needs. For (new) immigrants, there must therefore be an additional programme for migration-specific questions; all other counselling needs can be covered by the established programmes.

Successful use of existing social services requires that all people (irrespective of migration history) are aware of the relevant services and have access to them. But how can this be ensured? Here, counselling services that are part of community work or neighbourhood work could facilitate access. It is advantageous that neighbourhood work or community work is no longer concentrated only in cities but is also increasingly performed in rural areas. If the programmes of the different providers were better networked and coordinated, it could lead to decentralised programmes that could be adapted to different needs without resulting in enormous additional costs. Bundled counselling services could also be linked to family centres, daycare centres or primary schools. The central idea is to establish counselling centres in places that many people tend to visit every day. Such counselling centres do not always have to offer the full range of social services and assistance; they can also focus on referral counselling. However, it is important that newcomers especially are accompanied here in order to ensure they receive appropriate support and customised assistance (case management).

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173 The Municipal Integration Centres (KI) in NRW are municipal institutions anchored in the Participation and Integration Act. They are funded by the state and co-financed by the municipalities and districts. They work according to the specifications of the state and on the basis of municipal integration concepts and are an important and established part of the diverse integration activities under way in NRW.

Accompanied should be understood in the literal sense, as peer-to-peer-approaches play a crucial role in low-threshold counselling and guidance and should therefore be strengthened in the long term. Examples include neighbourhood mothers who provide information about services and facilities in the neighbourhood on an equal footing and in the mother tongue, and who participate in parental talks and accompany parents when they visit the youth welfare office. The use of integration guides is also becoming increasingly important for authorities and agencies. Here, semi-professionals work closely with professionals in institutions such as job centres. They attend language-mediated counselling sessions with providers and participate in meetings in agencies and at authorities, and thus reduce obstacles on both sides. In addition to this semi-professional, but in any case remunerated, offer of support, voluntary work must also be strengthened. In principle, access to the counselling structure should be low-threshold for all people.

#### Recommendations:

- The Expert Commission is fundamentally in favour of significantly strengthening the competencies of the municipalities and the conditions for their capacity to act in the sense of the understanding of integration described in Chapter 5. This requires “customised” and flexible solutions for the very diverse municipalities. Some experts even suggest formulating uniform national minimum standards. In the medium and long term, however, such strengthening also requires clearer responsibilities, more transparency between the federal government, the states and the municipalities, and a stronger partnership principle that involves the municipalities in decision-making.
- Overall, the Commission recommends sustainable financing at the municipal level for integration projects and tasks in order to safeguard the standards achieved in the municipalities.
- In this context, it also considers it sensible to assign integration more to the municipalities as a mandatory task in the medium to long term. However, this should be done within a strong national framework that sets and ensures minimum standards and facilitates the exchange of experiences between municipalities.
- Access to integration support programmes should be facilitated through the establishment of appropriate information portals, which should be supported with applications, especially for smaller municipalities.
- In the sense of an activating funding of participatory involvement in the municipalities, the federal government should set up and support a flexible “Integration Concerns Us All!” programme as soon as possible (with competence centres at the local level, such as those in the “Live Democracy!” federal programme), cf. Chapter 4.7.2. This can also be used to (further) support existing local initiatives for strong local democracy.
- The exchange between municipalities on good practice, including cooperation between administrations and voluntary workers, should be systematically promoted and this should start as soon as possible. For this purpose, the professional expertise of researchers, the municipal umbrella organisations as well as the municipal quality circle on integration can and should be consulted.
- With regard to social counselling services for immigrants and their descendants, the Expert Commission advocates a decentralised structure and, wherever possible, mainstreaming of counselling.
- Data exchange or the transfer of data between job centres (irrespective of their administrative affiliation) and employment agencies must be made possible. With regard to the cooperation of the municipalities with the federal and state governments, the Expert Commission would like to see a better exchange of data and information as soon as possible, one which also more extensively takes the needs of the municipalities into account. Relevant interfaces must be created for this purpose.
- Also to be considered is the introduction of an “integration passport” in which immigrants can document their integration measures, progress and successes and then present these to other authorities – not only during the change of legal status, but also, for example, when moving house.<sup>174</sup> However, for data protection reasons, this should only be done on a voluntary basis.

174 Cf. <https://www.landratsamt-dachau.de/familie-bildung-migration/migration-asyll/integration-im-landkreis/bildungs-und-beratungspass/> [07.08.2020].

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## 4.8 Housing and urban development

### 4.8.1 Integration requires a sustainable urban development policy and a social housing policy

Housing is a foundation of social participation. Firstly, the housing situation must be adequate and stable. At the same time, the question of where and how a person lives influences the opportunities for participation – i.e. the extent and type of social and neighbourly contacts; social recognition and accessibility to infrastructure. This is particularly true for immigrants, for whom structural barriers make access to the housing market more difficult. Social housing is not a policy for a marginalised group but rather the foundation of a society oriented towards participation and integration. A far-sighted integration policy must address conflicts over resources and distribution – including housing – not according to origin, but according to the need for action. Especially in conurbations, the municipalities must be provided with the necessary legal and financial means to create and manage housing and housing structures. An integration policy of this kind strengthens neighbourhoods that provide special integration services and recognises their achievements for the entire urban society. It also supports an active housing and land policy that aims to provide more housing, but at the same time prioritises the affordability of and access to housing. It mobilises and increases resources by aligning sustainable urban development, housing and integration. Such an integrated approach improves the conditions for integration.

The provision of housing is part of the municipal provision of public services and is one of the core tasks of the social state. Cities and towns are challenged to ensure participation opportunities in housing, especially for needy, low-income and disadvantaged groups; this includes (new) immigrant households. It is precisely these groups that are particularly affected by tensions, shortages and imbalances on the housing market (Abstiens et al. 2017). The challenges associated with the same hit municipalities particularly hard when the municipalities are poorly funded and thus have less control and a limited capacity to act.

Demographic and housing market-related framework conditions and developments differ considerably between

urban and rural areas – as well as within them; accordingly, simplifications that differentiate across the board between urban and rural areas, for example, do not reflect reality. Especially in fast-growing regions, in conurbations and rural areas with high density and centrality, housing markets are tight and affordable housing is scarce.<sup>175</sup> At the same time, these are the areas to which (new) immigrants tend to move. This is because, although immigration also takes place to a considerable extent in small and medium-sized towns, migrants tend to live in urban rather than rural regions and more often in large cities than in small towns (BBSR 2018). At the town level, it tends to be the case that the greater the total number of people living in the town, the greater the proportion of immigrants in the population (ibid.; cf. Lauerbach/Göddecke-Stellmann 2019).

The more recent immigration movements – the influx of refugees since 2015-2016 and immigration from Eastern Europe – have different effects at the level of districts, towns, cities and neighbourhoods. For example, between 2010 and 2017,<sup>176</sup> people without a German passport moved mainly to the poorest districts;<sup>177</sup> the existing social segregation has thus been reinforced by the migration processes (Helbig/Jähnen 2019; 2018).

For more than 20 years, urban development has been reacting to processes of socio-spatial polarisation and small-scale concentrations of poverty and immigration. Recent immigration reinforces the necessity of the integrated urban development policy introduced for this purpose (see below) and pushes it forward – not only in large cities, but more and more in smaller municipalities as well (Landua/Kirchhoff 2018). In 1999, for example, the federal government launched the urban development programme – “Districts with Special Development Needs – Socially Integrative City”. Neighbourhoods in large, medium-sized and small towns that are particularly disadvantaged in terms of urban development and economic and social issues must be stabilised and upgraded by means of investments. At the same time, these neighbourhoods are priority residential areas for (recognised) refugees and destinations for economically required immigration from Southeast Europe (BMI/BBSR 2018). Dealing with socio-spatial segregation therefore remains a central task of urban development, which faces new challenges in view of migration processes.

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175 In rural areas, the generally rather low proportion of rented housing can also lead to a supply bottleneck.

176 This group includes protection seekers, immigrants from EU countries and other people (groups) who have arrived since 2015, e.g. from East Asia and North America or in the course of forced migration.

177 The classification is based on the segregation index for recipients of benefits under Social Act (SGB) II.

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The challenges of segregation for housing and urban development are outlined below (Chapter 4.8.2). Since (new) immigration reinforces socio-spatial polarisation and participation requires adequate and needs-based housing, the parameters for a sustainable urban development policy (Chapter 4.8.3) and a social housing policy (Chapter 4.8.4) are then presented.

## 4.8.2 Segregation and its challenges for housing and urban development

### Segregation or mixture – this can only be controlled to a limited extent

In the public discussion, segregation is usually regarded as an obstacle to integration. It is perceived less as a social problem than as an ethnic problem – irrespective of the empirical data. Accordingly, segregation is presented as a problem mainly in connection with migration processes: There are fears relating to the formation of ghettos, so-called parallel societies or at least problem neighbourhoods and the associated dangers. A controlled (re) distribution should be used to counteract this, according to an approach that is repeatedly put forward. At least three arguments can be made against rash solutions of this kind, and expectations that are at least in part false: Firstly, segregation must be viewed in a differentiated manner. Secondly, so-called migrant neighbourhoods or ethnic residential areas should not be looked at as an obstacle to arrival and integration. Thirdly, it should be noted that the distribution of people using an administrative point of view has limits. The first two arguments are described in more detail below; the last point, which specifically concerns protection seekers, is only briefly addressed here and then dealt with in detail in Chapter 4.9.1.

### A distinction must be made between social and ethnic segregation

Spatial segregation by nationality or ethnicity is less pronounced in Germany than in France, Great Britain and the USA, for example. While there are exceptions, the rule is that in districts where many immigrants live, they usually come from different countries (Lauerbach/Göddecke-Stellmann 2019; Schönwälder/Söhn 2007). What is rigid, on the other hand, on a smaller scale, namely at the level of city districts, is social segregation. This also touches on issues of participation and integration: Living in – often stigmatised – “poverty areas” can have a negative impact on educational success, employment opportunities and health, among other things; this applies to all residents, not only immigrants. Nevertheless, the effect is also very ambiguous here: On one hand, a social mix in a neighbourhood does not

guarantee that low-income households will have better opportunities for upward mobility. On the other hand, socially rather homogeneous networks also make resources available to low-income households (Farwick et al. 2019, p. 417 et seq.; cf. Hans et al. 2019). The Expert Commission emphasises the fact that scare scenarios of “parallel societies” or “ethnic colonies” do not correspond to reality; at best, they promote an “ethnicisation of social problems” (Häußermann 2018, p. 393).

### Integration can also succeed in the case of residential segregation

The fact that social groups distribute themselves differently in space and also separate themselves from one another is considered a fundamental condition for “different lifestyles, subcultures and milieus to develop in a city”; in sociological terms, it is a “prerequisite for the lively diversity of urban culture” (Siebel 2019, p. 3). However, the effects of segregation are assessed differently; studies show that so-called migrant neighbourhoods or ethnically shaped residential areas are important for arrival and integration (cf. Häußermann 2018; Farwick 2014; Schader Foundation 2006): Neighbourhoods where many immigrants live can act as arrival points and “bridgeheads” for newcomers – networks and social contacts serve as a foundation here. However, this is not a matter of course; instead it requires targeted integration and urban development policy strategies. Although there is no international research to show that the concentration of immigrants is disadvantageous per se, it can affect the acquisition of German language skills and thus influence educational success, and it can also limit contact with other groups – contact that might otherwise strengthen resources for everyone.

### The housing market parameter: Mechanisms for integration

The housing market and its distribution mechanisms play a key role in access to (affordable) housing and thus amount to an essential framework condition for socio-spatial integration and participation. Housing markets are very different in various regions, cities and towns. In some places there is a fundamental lack of housing, in others there is an abundance of it. In many cities with high levels of immigration, affordability and access to housing is a major problem. How immigration and migration are reflected in socio-spatial terms is thus not solely the result of free decision-making. It is however true that newcomers often want to live near their own community (networking incentives). However, the situation on the housing market of the respective municipalities also has a considerable influence on the choice of place of residence. Here, the relevant variables are the extent and distribution of public



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housing, housing vacancy rates, the supply of affordable housing and access to it. The decisive factor for the choice of residential location is thus not only housing preferences but also constraints in the housing market.

### **The landlord behaviour parameter: Discrimination in the housing market**

Discrimination in the housing market is another factor that influences access to housing (Hanhörster/Ramos Lobato et al. 2020). The targets of federal policies and the occupancy policies of housing providers often follow the guiding principle of a “healthy mix” or a “social mix”. The background for this is provided by the Building Law Code (Section 1 (6) and the Housing Promotion Act, which call for “the creation and maintenance of socially stable population structures”. Section 19 (3) of the General Equal Treatment Act (AGG) also contains an exemption allowing municipalities and housing providers to ensure an ethnic and social mix in their housing stock; according to court decisions, this exemption may only be applied in the sense of positive discrimination: “When renting flats or houses, different treatment is permissible with regard to the creation and maintenance of socially stable resident structures and balanced settlement structures as well as balanced economic, social and cultural conditions”. This guiding principle was taken up in the National Integration Plan in 2007: “The guiding principle for district and neighbourhood development is the creation and safeguarding of socially and ethnically mixed neighbourhoods” (Federal Government 2007, p. 112). Practice shows that this guiding principle is usually interpreted to the detriment of migrants and thus further reduces their chances of access. The associated disadvantages affect not only households with poor resources but also middle-class migrants. (Hanhörster/Droste et al. 2020).

This form of structural disadvantage and discrimination has consequences: It is true that the integration reports of the federal government show over time that the housing conditions of people with and without a migration history have tended to converge over the decades. All in all, however, the housing situation of immigrants and their descendants is still worse than that of the rest of the population: They live in more cramped and sometimes worse conditions, and they pay higher rents. According to the latest findings of the Federal Anti-Discrimination Agency (2020), more than one-third of all persons with a migration background who have looked for housing in the last ten years have been racially discriminated against – mostly, but not exclusively, by private housing providers. Consequently, the question of where and how someone lives (for rent) is not only – and for immigrants not primarily – a question of lifestyle, but a result of rental practice or

practices of the (predominantly private) housing market. In contrast, housing providers in the public, cooperative or public welfare realm would be expected to have a rental practice that is less income-oriented and more socially oriented. Nevertheless, according to recent research, this is by no means always the case: In Germany, the assignment of housing for new migrants is largely carried out by case workers, which means arbitrariness is structurally immanent to a certain extent, irrespective of the type of housing provider (Hanhörster/Ramos Lobato et al. 2020; Hanhörster/Droste et al. 2020).

### **Special housing situation of refugees and protection seekers**

As explained in Chapter 4.9.1, protection seekers are first distributed among the federal states according to the Königstein formula and then from the reception centres there to the districts – and in some states (e.g. Bavaria) to state district offices. Within the framework of so-called subsequent accommodation, these agencies and offices are obliged to provide housing for protection seekers, either in central collective housing arrangements or decentralised in individual flats. With the recognition of a protection status, refugees then become participants in the rental housing market, mostly in the low-priced segment – and possibly within the limitations of the residence obligation, where such limitations apply (on this requirement, see Chapter 4.9.1). They are therefore competing with other groups that are dependent on low-cost housing (low-income earners, people receiving the German unemployment benefit paid after the first 12–18 months of unemployment (ALG II), pensioners, single parents). This can cause additional tensions (cf. Chapter 3.8).

Up until now, refugees have particularly been structurally disadvantaged in the housing market (Baier/Siegert 2018, p. 10). With regard to their initial care and accommodation, the situation has eased in many municipalities (cf. Gesemann/Roth 2016, p. 14). However, integration into the regular housing market is difficult: Many recognised refugees, family members who have moved to Germany and new immigrants do not find their own flat for a long time and instead live in public communal, emergency or container accommodation for several years. In many regions with housing shortages, recognised refugees and families who have moved to Germany – as well as homeless people – continue to live in (official) accommodation that does not promote successful integration, neither in terms of its framework conditions nor in terms of urban planning. Apart from that, it is also difficult to comply with hygiene regulations in such accommodation – e.g. the current Corona Protection Ordinance, which is questionable from a health point of view (cf. Chapter 4.6). Moreover, many of the housing and accommodation programmes from recent years could only be realised through temporary

exemption regulations in building and public procurement law. However, in some regions of Germany, these exemptions are still the prerequisite for being able to offer housing at all outside of mass accommodation. Overall, it should be noted that participation in and integration into the housing market is severely limited for protection seekers due to their uncertain and weak social position. They need additional support to access housing.

The debates on segregation and migration-related socio-spatial polarisation in Germany are characterised by contradictions. This is also related to different definitions of what integration actually means. The Expert Commission takes a critical view of the guiding principle of a “healthy” or “social” mix in this context, as it is usually interpreted negatively to the detriment of immigrants and, in specific application, makes it more difficult for them to access the housing market. The Expert Commission’s recommendations are not directed at avoiding segregation at all costs. In order to counteract settlement patterns that are assessed as negative, it supports measures and interventions aimed at improving the framework conditions on the housing market, facilitating access to housing and supporting integrated urban development that focuses on the common good. The following recommendations refer to the special situation of protection seekers. However, since the structural barriers go far beyond this group, access to the housing market must be improved for all immigrants.

#### Recommendations:

##### Integration of recognised refugees into the regular housing market

- In order to integrate recognised refugees into the regular housing market especially, the Expert Commission supports measures that stabilise and improve their housing situation:
- The allocation formula at the federal and state levels must take into account the extent to which a subsequent supply of housing is guaranteed in municipalities with strained housing markets. The individual communities must however demonstrate efforts in social housing construction (see e.g. the recommendation on “quotas” below).

- The municipalities, in cooperation with welfare agencies, should ensure that everyone, especially disadvantaged persons and those at risk of losing their housing (regardless of whether they have a migration experience), are accompanied and supported in their house-hunting activities and also after their relocation. In this way, integration successes that have already been achieved can be safeguarded over the long term, especially for new immigrants.<sup>178</sup>
- The transition from (initial) accommodation to the private housing market causes particular problems. Municipal housing management systems can provide support here. However, especially in conurbations, this will not sustainably change the fact that there is a general lack of affordable housing, or that prices are too high. Therefore, it is essential to support more socially-oriented and community-oriented housing providers (see the recommendation in Chapter 4.8.3). The instrument of concept allocation for municipal land, which the Expert Commission believes must be strengthened, also works in this direction: In order to implement municipal goals, public land is not only or primarily allocated according to economic criteria, but also according to social or other criteria concerning the quality of the concept involved.
- Housing projects in which different groups and also refugees live together can open up longer-term housing prospects for new immigrants and promote their social participation. Such forms of housing have been rather scattered so far (Hannemann/Hauser 2020). Corresponding initiatives that aim to have municipalities, church institutions or the private sector take over sponsorship should be supported within the framework of housing and urban development policy.
- Incentive systems (not limited to financial or tax incentives) for the creation of additional housing for beneficiaries of protection should be established: The exceptions and exemptions in construction planning law (Section 31 Federal Building Code (BauGB)) and in German federal state building law (e.g. percentage of barrier-free houses, number of parking spaces) should be further expanded. Here, mixed housing types and neighbourhoods with high levels of immigration must be given special consideration.

178 A positive example of this is the Dortmund integration network – “locally welcome”. In a joint project organised by the city and the welfare association, refugees are supported after they arrive in a neighbourhood and move into their own flat.

### Discrimination in the housing market

The Expert Commission emphasises that discrimination on the housing market must be decisively counteracted. Here is what it recommends specifically:

- Actual protection against legally prohibited discrimination in the housing market must be improved: Discrimination must be consistently uncovered and eliminated. For this purpose, nationwide testing-studies (paired ethnic testing) must be conducted on a regular basis. Additionally, local anti-discrimination offices can be established to record complaints and make clear to the region or district in question where and to what extent discrimination takes place.<sup>179</sup>
- Studies on landlord behaviour should preferably be carried out at the federal level, or alternatively at the state level, to make the exclusion criteria and occupancy strategies of private landlords especially transparent.
- Due to misinterpretations that have a negative effect on immigrants, Section 19 (3) of the General Equal Treatment Act (exception provision for the creation and maintenance of socially stable resident structures) should be revised, as should a follow-up recommendation in the Federal Government National Action Plan on Integration (Federal Government 2007, p. 112). Especially in existing areas (particularly in disadvantaged neighbourhoods), this objective counteracts equal access for immigrants.
- Additionally, a quota for public housing must be set for new housing construction. In this context, the so-called exemption areas<sup>180</sup> must be critically evaluated.
- Internet portals are helpful for the promotion of transparency and access to housing, as such portals bring together the housing offers of the providers and make it easier for people looking for housing to find what they're looking for. The responsibility for this can lie with the municipalities, with the housing companies themselves and their umbrella organisations, or with an inter-municipal social housing construction company.<sup>181</sup>

### 4.8.3 Sustainable and integrated urban development

#### Strengthening neighbourhoods that provide special integration services

In most cities – large and small – there are neighbourhoods where many immigrants live and where new immigrants and protection seekers also want to settle and gain a foothold. Many of these neighbourhoods (but by no means all) are considered disadvantaged because they are less well equipped than others in terms of construction, urban development and infrastructure, and because many households there have low incomes. In the public perception, they are often seen as problematic (ghettos, hotspots).

Irrespective of how they are assessed, these neighbourhoods cannot be dissolved through some type of management or redistribution. Additionally, it must not be overlooked that these neighbourhoods are not only areas of poverty; since they also often serve as neighbourhoods of arrival, they also make a particularly large contribution to a city as a whole in terms of integration. They serve as an anchor point and bridgehead for people who arrive in Germany (Hanhörster/Wessendorf 2020; Hans/Hanhörster 2020). They also provide a fertile environment for urban development and urban development policies that are geared towards immigration and participation. The development of these neighbourhoods can only be planned to a limited extent because migration processes are dynamic.

The task of sustainable urban development is to design these neighbourhoods as places that are open both internally and externally, where new immigrants can arrive in the best possible way and which at the same time offer all residents the option of good and lasting housing and living conditions. Federal, state and municipal policies are already working with numerous measures, (funding) programmes and activities to stabilise these neighbourhoods and increase their effectiveness for integration.

The Expert Commission would like to particularly emphasise the achievements of integrated urban development. Such development is considered “integrated” because it pursues a holistic or comprehensive policy approach that links different municipal fields of action with one another and broadly applies and interlocks working structures (cf. Franke 2011). It has also recognised and named its central

179 The anti-discrimination policy of the state of Berlin with its specialised office against discrimination on the housing market is a landmark policy in this respect.

180 In exemption areas, owners can also rent their houses to households that exceed the income range for public housing.

181 This is the case in the district of Gießen.

tasks in connection with (new) immigration and integration: to create offers for affordable housing and to facilitate access to the same, as well as access to language and education, training and work – in close cooperation mainly with municipal and cooperative housing companies. Furthermore, it takes into account that integration not only includes structural measures in the areas of housing, education and work, but also cultural and social aspects, such as the establishment and maintenance of networks, the activation and participation of the population and the coordination of voluntary work, whereby community work has a key function here.

### Recommendations:

The Expert Commission recommends that corresponding measures be further strengthened and made permanent. In doing so, incentives can and should be provided to make these areas more liveable and attractive. That way, they could not only act as transit stations and arrival spaces, but also motivate or encourage socially and financially stable people – whether immigrants or not – to develop a longer-term residential perspective there.

The following recommendations are based on the “from arrival to integration neighbourhood” objective.

- Urban development policy, which is also integration policy, should have a socio-spatial orientation and choose a neighbourhood approach as a strategic maxim for action: This would strengthen a perspective that is primarily oriented towards the real world, in which integration policy approaches are linked at the state, nationwide and municipal or area-related levels, as opposed to a policy that is primarily oriented towards specific target groups. The neighbourhood level must thus always be seen in the context of other (social) spatial references. Neighbourhood-oriented measures and strategies must be coordinated and harmonised with strategies and measures at the city level (e.g. equipping schools).
- From a practical perspective, the relevance of the immediate neighbourhood must also be taken into account. In this regard, the Expert Commission appreciates the “Social City” federal-state programme, which could serve as a guide for a future strategy. In order to ensure and strengthen such a policy, urban development funding must be continued at a high level and should be extended to include additional, non-investment meas-

ures. Urban districts can be strengthened from within by not only promoting construction and urban structures, but also by shaping community life and neighbourhoods through community work, empowerment and networking. However, in the medium and long term, strategies should be enhanced that do not allocate the tasks of integration to “disadvantaged neighbourhoods” alone but instead distribute them among different types of neighbourhoods. Especially for rural areas with high density and centrality, funding programmes and funding campaigns are also necessary in addition to urban development funding.

- For stabilisation and socially acceptable upgrading, more and stronger incentives should be set for selected neighbourhoods (within the framework of urban development funding or other funding programmes and strategies) in order to promote home ownership not only in new buildings but also in the existing housing stock among lower-income households. While doing so, the associated processes should be accompanied by monitoring that tracks displacement processes as a result of upgrading and stabilisation. If the existing arrival neighbourhoods were to undergo massive upgrading, a danger could arise that new arrivals would be pushed to the edges of cities – with the consequence that cities and urban societies would become more fragmented and polarised than before.
- The public, politicians and administrators at all levels would be well advised to realign the discourse and adopt a language and attitude that does not classify and degrade the strengthening of (arrival) neighbourhoods as a focal point policy; this is also demanded by the National Action Plan on Integration of 2020. Instead, the opportunities of these neighbourhoods and their services for the entire urban society (“neighbourhoods for all”) should be highlighted in the public discourse.<sup>182</sup>

#### 4.8.4 Social housing policy

##### **Integration needs housing and a new narrative for social housing.**

The abolition of non-profit status for housing in 1990 marked a turning point in the provision of housing, and it has also fundamentally changed the structures on housing markets in Germany. Housing policy was fundamentally

182 Saarland’s state capital, Saarbrücken, is exemplary here, as the city aggressively links urban development with diversity and coherently presents corresponding measures and perspectives within the framework of the “PatchWork City” flagship project.

changed because it was assumed that the provision of housing for the population in Germany was no longer a fundamental problem. Public, municipal and state-owned housing stock was sold, and social and rent controls were phased out. Large housing stocks were given over to private entities. Residential property became a commodity or speculative object. Due to the decline in public housing, the municipalities have lost control instruments and options for the provision of housing and can therefore only act in a limited way in terms of housing policy. Additionally, smaller administrations especially sometimes lack the know-how and experience regarding how to best direct their own actions in order to support affordable housing and strengthen social housing construction, for example. In many federal states, a high level of debt and a precarious financial situation in the municipalities have additionally contributed to the fact that too little has been invested in social housing construction in recent years. However, smaller towns especially saw no need for this. They did not have the vision of a growing community; instead they tried to stabilise their communities as much as possible.

“When housing markets fail and groups of people can no longer provide themselves with adequate housing, this especially affects the municipal level” (Abstiens et al. 2017, p. 18). It is therefore only logical that the municipalities are now making a variety of efforts to turn things around and regain their own holdings and thus their ability to control developments. The basis for the creation of affordable housing is an active land and property policy. Especially in growing cities and their surrounding areas, the fact that land is structurally scarce and cannot be increased is a weighty issue for the provision of social housing, one which also causes real estate prices to rise. This forces the municipalities to create housing themselves and on their own land. Without access to the upstream land market or an effective design of the rules for land utilisation, other instruments accomplish next to nothing. In this context, the Expert Commission refers to the recommendations of the “Sustainable Building Land Mobilisation and Land Policy” as formulated by the so-called Building Land Commission.<sup>183</sup> These recommendations are directed towards stimulating investment in housing construction, safeguarding affordable housing, reducing construction costs and securing skilled labour. Here, however, it should also be pointed out that the main problem of structural scarcity of land and its consequences remains unsolved by the recommendations of the Building Land Commission. An active land policy refers, on the one hand, to the role of municipalities as owners of land and, on the other hand,

to the application of instruments in accordance with urban planning law and civil law (cf. Difu/vhw 2017). The approaches used in the municipalities vary greatly. Thus, some communities have decided to purchase more land. In others, building-land models are being relaunched or further developed, alliances are being forged with the local housing construction industry and instruments of land law are being rediscovered. The latter include urban development measures, the right of first refusal, and environmental protection rules. While a housing policy based on such instruments also aims to provide more housing, it also prioritises affordability of and access to housing. Solutions are offered not only by new construction, but also by the development of existing infrastructure – in both rural and urban areas.

### Recommendations:

The creation and safeguarding of affordable housing and the associated issues of accommodation and longer-term housing perspectives for refugees are currently the subject of intense debate at the federal, state and municipal level. This clearly demonstrates the following: Housing policy and housing provision are issues of fundamental social importance that have to be re-examined and renegotiated as a result of refugees and new immigration in general. This is because new immigrants, including recognised refugees, who live in conurbations and densely populated areas with strained housing markets have particularly difficult access to housing, and participation and integration are therefore at risk in many of these places. In order to counteract this integration deficit, integration and urban development policy measures (see Chapters 4.8.1 – 4.8.3) must be supported with housing policy measures that affect the mechanisms of the housing market as well as the legal framework conditions.

The variety of tasks that are required simultaneously makes short-term, medium-term and long-term strategies necessary – at the level of the federal, state and municipal governments (which are called upon especially due to their legislative authority with regard to funding social housing). Here, the municipalities are called upon to create and use instruments that secure affordable housing; however, the necessary framework conditions must be established by the federal and the state governments in order to enable the municipalities to act more effectively than they have thus far. In this context, the Expert Commission makes the following recommendations:

183 See <https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/nachrichten/Handlungsempfehlungen-Baulandkommission.pdf> [27.10.2020].

- Social housing construction is an investment in the future. Social housing is not a policy for a marginalised group but rather the foundation of a society oriented towards participation and integration. The municipal, federal and state governments should work closely and promote this attitude in order to counteract integration deficits that the recently immigrated people including recognised refugees are particularly subject to in the housing sector.
- In order to provide the necessary boost to innovation for a housing and urban development policy that encourages integration and participation (and facilitates access to housing for new immigrants), the Expert Commission supports political decisions and initiatives at all federal levels and in various departments to create and safeguard affordable housing and an active land and property policy. In this respect, the Expert Commission also refers to the results and recommendations of the so-called Building Land Commission, even though the central problem of structural scarcity of land and its consequences remains unresolved in the recommendations made by that commission.
- Activities carried out by the municipalities for strengthening housing providers that focus on the common good and securing as many options for active participation as possible through the acquisition of land are thus all the more worthy of appreciation. In this context, it may be useful for small towns to join forces at the district level in order to build up and strengthen municipal housing companies; this should be promoted accordingly in the district administrations.
- Since housing markets and housing sub-markets are increasingly differentiated regionally and locally, and access to affordable housing is difficult (especially for new immigrants in conurbations and densely populated areas), uniform strategies are not sufficient. Federal or state-wide funding programmes must be spatially and regionally differentiated and aligned with the framework conditions of the respective housing market. It is therefore advisable to develop a separate social housing concept for each municipality. In this context, the concerns of recently immigrated persons and recognised refugees should be identified, highlighted and taken into account through measures based on these concerns.
- A look at the performance capability of smaller municipalities that fall under district administrations in growth areas, which have a considerable amount of recently immigrated persons and refugee immigration, shows that larger administrative units are needed to bundle competencies and to specifically promote social

housing construction and the conversion of neighbourhoods – for a housing and urban development policy that is targeted towards participation and integration. The necessary technical and legal know-how is available in the district administrations. At the same time, it must be ensured that initiatives of smaller towns are not devalued. Additionally, municipalities can and should increase their performance capability in the necessary areas – with special attention to integration issues – through inter-municipal cooperation.

## 4.9 Cross-sectoral challenges in the integration of protection seekers

### 4.9.1 Distribution of protection seekers and the connection with the requirement that recognised refugees remain in certain locations (residence obligation)

In Germany, protection seekers are initially distributed among the federal states after their arrival according to the “Königstein formula”, and from there often to the municipalities according to similar formulae. Additionally, the BAMF considers the capacities of the reception centres in the federal states as well as the responsibilities of certain BAMF field offices for asylum applications from certain countries of origin when distributing the protection seekers according to the so-called EASY system; the asylum procedures must be accelerated through corresponding specialisations. Depending on the asylum seeker’s prospects of staying in each case, there is an obligation in the asylum procedure for the asylum seeker to remain in the area covered by the respective foreigner registration office, or an obligation to live in a reception centre (Section 5 Asylum Act (AsylG), Section 61 Residence Act (AufenthG); see also BAMF 2019b, p. 15). These obligations continue to apply in part if the asylum application has been rejected and the persons concerned become obliged to leave the country.

Before the Integration Act came into force on 6 August 2016, recognised beneficiaries of protection were free to choose their place of residence. Since then, they have been subject to a requirement to remain in certain locations: They must stay in their assigned federal state for the purpose of carrying out the asylum procedure for three years from the time their application for protection is approved, unless they can prove a minimum income from employment subject to social insurance contributions, or another exception regulation or hardship provision apply (Section 12a Residence Act (AufenthG)). The federal states can also restrict the choice of residence on a small-scale basis at

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the level of the districts, urban districts or even cities and towns (allocation to certain municipalities or corresponding immigration ban). However, only some of the states make use of this. In the remaining states, persons with recognised protection status are not subject to a residence obligation within the federal state borders. The regulation was initially limited to three years; in 2019, it was extended indefinitely without evaluation.

An assessment of the spatial restrictions for protection seekers must distinguish between the two aspects mentioned at the beginning: The initial distribution during asylum procedures and the restricted choice of the place of residence for persons with recognised protection status. Provisions that require recognised refugees to remain in certain locations (residence obligation) always mean a considerable encroachment on freedom of movement. However, an initial distribution controlled by the authorities is unavoidable – simply because the capacities of accommodation and other infrastructure are limited. From an integration point of view, it is certainly questionable as to how sensible the distribution according to the Königstein formula and comparable formulae is: While on the one hand, this means that considerably fewer protection seekers will be allocated to the structurally weaker eastern German federal states. On the other hand, the two structurally strongest western German federal states – Bavaria and Baden-Württemberg – have proportionately fewer protection seekers than the other western German federal states, although integration in the labour market is much more successful there than is the case on average for Germany as a whole.<sup>184</sup> Moreover, protection seekers have been distributed in such a manner that they live in municipalities with above-average unemployment rates more often than the German population as a whole (Brücker/Hauptmann/Jaschke 2020). Other OECD countries attempt to take the labour market situation into account during the distribution process (OECD 2016b; 2017c).

A “mismatch”, i.e. a poor fit between local labour market conditions and the requirements and skills of protection seekers, has a greater impact the longer restrictions on mobility and choice of place of residence last. Simulation studies from Switzerland and the USA show that optimal “matching” of regional conditions and characteristics or skills of protection seekers can increase employment rates by 50 to 70 per cent (Bansak et al. 2018). Such simulation studies must be interpreted with great care, and their

transferability must first be tested to determine whether the findings can be used in practice. Nevertheless, such numbers show that it can greatly simplify integration in the labour market if allocation formulae take integration-related aspects into account in addition to formal criteria. This could also be achieved by simpler matching procedures (Bendel et al. 2019, p. 29 et seq.). Other relevant aspects such as the provision of housing and the costs of accommodation do not need to be neglected by any means as a result, and, as before, aspects that facilitate asylum procedures should also be taken into account. Among other things, it will be necessary to increase integration chances by means of an intelligent distribution policy as early as the time of entry and thus reduce the economic and social costs of integration, whereby integration can certainly have different dimensions.

The residence obligation and the associated restriction of freedom of movement also have medium-term and long-term effects; they therefore require special justification.<sup>185</sup> Accordingly, the German legislative body justified the introduction of the residence obligation with “improved control of the establishment of residence of beneficiaries of protection”; it was especially supposed to avoid “integration-inhibiting segregation” (German Parliament 2016). When it extended the residence obligation in 2019, the legislative body argued that this requirement would improve labour market integration, the provision of housing and the provision of integration measures. This is supported especially by the representatives of the municipality associations, who argue that not only accommodation but also other integration measures can be better planned with this residence obligation.

The residence obligation has multiple effects and therefore cannot be assessed along one dimension only (OECD 2016b). German and European law also refer to a comprehensive concept of integration “into... cultural and social life” (Section 43 (1) Residence Act (AufenthG); cf. also Council of the European Union 2004). As the present findings show, the enforcement of the residence obligation leads to the fact that persons who have recognised protection status and are subject to the obligation are less likely to be employed and also less likely to find private accommodation than persons with recognised protection status who are either not subject to a residence obligation at all or are not subject to such an obligation at the municipal or regional level. In contrast, the residence obligation had no

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184 In 2018, the percentage of protection seekers among the population was 1.6 per cent in Bavaria and 1.8 per cent in Baden-Württemberg; in contrast, it was 2.8 per cent in Saarland, 2.6 per cent in North Rhine-Westphalia and 2.4 per cent in Lower Saxony (average figure for Germany as a whole: 2.1 per cent) (DESTATIS 2019f).

185 For example, the European Court of Justice considers the residence obligation to be an encroachment on the civil rights and liberties of the persons concerned, and which can only be justified if it promotes their integration (ECJ 2016).

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significant effects on language acquisition and attendance in integration courses (Brücker/Hauptmann/Jaschke 2020). However, the results relate to the period up until the end of 2018; it must still be seen whether they will be confirmed by further studies. At the same time, the empirical finding that the residence obligation hampers integration in the labour market is also supported by studies in Denmark (Damm/Rosholm 2010), in Sweden (Edin et al. 2003; 2004; Åslund/Rooth 2007) and at the European level (Fasani et al. 2018). Even though not all conceivable dimensions of integration are covered by such studies, the available findings suggest that while the residence obligation tends to hamper integration in important structural areas such as the housing market and the labour market, it does not impact language acquisition as a key skill for social and cultural integration.

The fact that the residence obligation hampers integration in the labour market and also house hunting is probably mainly because it increases the costs for obtaining information and searching for jobs and housing. Additionally, personal networks in turn reduce search and information costs and thus simplify integration in the labour market (Edin et al. 2003; Damm 2009; Dustmann et al. 2016). However, such networks are not necessarily available at assigned places of residence. The continuation of the residence obligation thus hampers the efficiency of the markets. On the other hand, the municipalities fear that greater mobility will reduce planning security, thereby lowering the quality of infrastructure services and leading to the unequal distribution of financial and social burdens.

A possible compromise between these interests would be to abolish the individual residence obligations; however, the municipalities can – according to transparent and comprehensible criteria – set upper limits for the influx of people who are, for example, dependent on basic social security benefits. For example, the influx could also be limited if the percentage of protection seekers in the population of the municipality exceeds 1.5 times the average figure for Germany as a whole. Such restrictions on influx already exist in some German municipalities within the framework of current state regulations on the residence obligation under the Integration Act. However, in the proposed procedure here, such a limit could not be set according to political criteria – only according to transparent and generalised criteria. Restrictions on influx of this kind would have far less of an impact on individual mobility and the associated efficiency and welfare gains, while at the same time reducing the risk of overburdening the individual municipalities.

#### 4.9.2 Family reunification with refugees with recognised protection status

Protection seekers who have come to Germany sometimes have family members in their home countries or in transit countries. This often includes members of the nuclear family, i.e. spouses or children. This, of course, also has an impact on psychological and physical well-being and on the chances of social integration. The absence of family members is not only psychologically stressful for those affected. It also reduces the incentive to integrate sustainably – e.g. to learn the German language – because as long as their family is still abroad, those affected often see their stay as temporary. The integration of family members (Poeschel 2019) as well is also delayed if their arrival is delayed; this can result in poorer educational performance, especially among children and, correspondingly, poorer integration in the labour market later on (OECD 2019c).

Not only the Constitution, but also international agreements such as the Geneva Refugee Convention and European law, place the family under special protection, even if, according to the case law of the Federal Constitutional Court, the European Court of Human Rights and the European Court of Justice, the claim that family reunification must always be granted cannot be derived from this (Thym 2018b). However, the German legislature has decided in accordance with European requirements – i.e. that persons entitled to political asylum, and recognised refugees under the Geneva Refugee Convention, should have a right to be reunited with members of the nuclear family even if they do not fulfil the requirements that should normally be present for family reunification, such as securing the subsistence of the nuclear family (cf. Chapter 2.2.2 on family reunification of third-country nationals to Germany in general).

For subsidiary beneficiaries of protection, a lower level of protection existed for a long time before the rules were gradually equalised in 2013<sup>186</sup> and 2015<sup>187</sup>. As part of the Asylum Package II, family reunification for beneficiaries of subsidiary protection was suspended as of March 2016; this was initially limited to two years. During the coalition negotiations after the 2017 federal elections, the issue of family reunification for this group was a subject of controversial discussion. In a compromise, the coalition parties agreed to allow the initially suspended reunification of members of the nuclear family once again as of August 2018, but to limit it to 1,000 persons per month. In the case

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186 Act on the Implementation of 2011/95/EU Directive, Act of 28/08/2013, (Federal Law Gazette (BGBl.) 2013 I 3474.

187 Asylum Procedure Acceleration Act. Act dated 20/10/2015, (Federal Law Gazette (BGBl.)) 2015 I 1722.



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of protection seekers who are subject to a national deportation ban, family reunification continues to be excluded.

In connection with this controversy, there was a great deal of uncertainty about how many people could join protection seekers in the first place. In public, figures of one to four million people entitled to join were circulating. However, results of the IAB-BAMF-SOEP survey of refugees show that the overwhelming majority of protection seekers do not have any relatives abroad who would fall under family reunification regulations: Some of them are single, others have members of the nuclear family already living in Germany. In total, there were 0.28 family members per capita entitled to enter Germany in the second half of 2017. For protection seekers with recognised protection status under the Geneva Refugee Convention, the number of nuclear family members living abroad was estimated at 100,000 to 120,000 at the time, and for those with subsidiary protection status at 50,000 to 60,000 (Brücker 2017). The actual family reunification from the four main countries of origin of forced migration – Afghanistan, Iraq, Iran and Syria – amounted to 43,274 persons in 2017, 21,933 in 2018 and 17,717 in 2019; there were a total of 143,192 persons from 2015 to 2019 (BAMF 2020). In this respect, it can be assumed that the potential with regard to persons entitled to reunification has already been used up to a large extent.

Whether family reunification is also opened to persons with subsidiary protection status involves a weighing of interests (cf. Chapter 3.9). On the one hand, the family is under special protection. Quantitative and qualitative surveys also show that separation from nuclear family members significantly affects satisfaction in life and psychological well-being (Gambaro et al. 2018) and increases the likelihood of psychological illness. Additionally, many persons with subsidiary protection status have already been living in Germany for a long time and it can be assumed that a considerable number of them will also stay longer. On the other hand, the integration of family members naturally also generates costs that society has to bear. Moreover, such integration of family members could increase the incentives to migrate. However, it is always important to remember that we are not talking about millions of people here, but about an estimated 50,000 to 60,000 people (see above). Some of them have already entered the country according to the current possibilities for family reunification with beneficiaries of subsidiary protection.

### 4.9.3 Improving the quality of asylum procedures

Not only the speed, but also the quality of asylum procedures and the associated legal certainty have a great influence on the chances of successful integration. Thus, employment opportunities decline in line with the duration of asylum procedures (Brenzel/Kosyakova 2019; Hainmueller et al. 2016; cf. Chapter 2.3). In general, it is to be expected that the faster legal certainty is established regarding the residency status, the more positive the integration results will be. Great progress has been made through the reorganisation of the BAMF and the acceleration of asylum procedures; the BAMF's review of decisions from 2015 and 2016 also indicates that the acceleration of procedures has at least not decisively affected their quality (cf. Chapter 2.3). However, empirical analyses also suggest that when applicants have resources such as education and networks, it can have a positive influence on the outcome and speed of asylum procedures (Kosyakova/Brücker 2020). Other studies identify regional differences in recognition rates (Riedel/Schneider 2017), even if these empirical findings are the subject of a certain amount of controversy.

Some of the BAMF's decisions have been revised in court proceedings; according to the BAMF, the figure for this was 15 per cent in 2019.<sup>188</sup> However, it must be taken into account that these procedures are also partly about improving protection status. For example, people who have been granted subsidiary protection are suing for recognition as refugees under the Geneva Refugee Convention. No comprehensive information is available on the number of decisions that the BAMF itself corrected or rescinded.

The fact that first-instance asylum decisions are revised by the administrative courts is not worthy of criticism *per se*. Rather, it speaks for a functional constitutional state in which a possibility must exist for the legal review of official decisions. It is also not surprising that applicants with more favourable personal conditions have better chances in asylum procedures. Nevertheless, the present findings raise the question of whether the quality and legal certainty of the decisions could be further increased. In Germany, asylum seekers have the opportunity to obtain legal advice and legal counsel as part of the asylum procedure. Apart from that, the parliament decided in summer 2019 to introduce free asylum procedure counselling in future (Section 12a Asylum Act (AsylG)), the implementation of which is currently being tested by the BAMF and the welfare organisations. This innovation is based on

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188 <https://www.bamf.de/SharedDocs/Meldungen/DE/2020/20200330-am-gerichtsstatistik-2019.html> [16.06.2020].

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the approach used in Switzerland and the Netherlands, which includes legal advice in the asylum procedure from the very beginning so that applicants are better prepared for their hearing. This can increase the rationality of the procedures and at the same time the acceptance of the results (Thränhardt 2016). It is not only the protection seekers who benefit from this; greater acceptance can lead to fewer negative decisions being challenged in court and, with better quality, fewer decisions being revised by the courts (ibid.). It would also make sense to further align the standards of asylum procedures within Europe through common standards and institutions in order to avoid an “asylum lottery” and reduce incentives for the diversion of migration flows (Bendel 2018b).

#### 4.9.4 Enforcement of the obligation to leave the country

Deportations are a particularly problematic area. If there were no such thing, ultimately every person who comes to Germany could stay here permanently, either legally or illegally. Deportations correspond to a consistent implementation of the applicable law in cases where a person does not comply with an existing obligation to leave the country – after having exhausted all legal possibilities as a rule. Here, there is first a period for voluntary departure as a rule; a person can be forcibly repatriated only after this period has expired. In this context, the authorities do not have any discretion by law, because repatriation is a legal obligation. (Section 58 (1) Residence Act (AufenthG)). However, enforcement often fails in practice. Here, the law provides for the granting of exceptional permission to remain as an automatic consequence. A exceptional permit to remain is therefore explicitly not a residence permit because it certifies that someone cannot be deported “for factual or legal reasons”, even though the obligation to leave the country continues to exist (Section 60a (2) p. 1 Residence Act (AufenthG)). The number of persons currently tolerated in Germany has been outlined in other sections of this report (Chapter 2.3).

There is not enough information about the reasons why deportations do not take place and why exceptional permission to remain is granted instead. However, even if the following statistics (Federal Government 2019b) should be read with caution with regard to the exact percentages, they offer an indication of the main difficulties in enforcement, which are confirmed by qualitative research con-

ducted by the federal and state governments (sub-working group enforcement deficits 2015). There are medical, family or humanitarian reasons in some cases, which according to the (incomplete) statistics concern a minority of 15 to 20 per cent of those who are granted exceptional permission to remain.<sup>189</sup> By far the most important reason is the lack of travel documents, which is responsible for about 40 per cent of the cases involving exceptional permission to remain and which in turn can have various causes: from the lack of clarification of identity to the lack of cooperation of the countries of origin.<sup>190</sup> Additionally, there are “other” reasons for up to 40 per cent of the cases involving exceptional permission to remain. These involve various aspects ranging from a lack of personnel and institutional resources at foreigner registration offices to a lack of readiness displayed by the countries of origin to take back their citizens even when travel documents are available. Moreover, deportations often fail because the persons concerned are not found when they are supposed to be deported (Federal Government 2018b, p. 108).

It is undeniable that deportations are almost inevitably associated with human hardship for the people concerned. Accordingly, there are a number of supplementary extra-judicial procedures in the federal states to avoid undue hardship; these are briefly presented in more detail below. If these possibilities and all legal remedies have been exhausted, termination of residence by state control is the last resort, and this is not only in the case of criminals or other persons likely to threaten public safety. This policy is also important for the – still gratifyingly broad-based – acceptance of taking in people with an identified need for protection and giving them the opportunity for integration.

The debate on the right of residency of persons who are obliged to leave the country should not focus on exceptional permission granted to remain for education or employment that is often discussed in the media. Additionally, there are rights of residency that are often unknown to the public but are all the more important in practice. The most important legalisation option to date allows asylum seekers whose applications have been rejected to obtain a discretionary residence permit after 18 months if they “are prevented from leaving the country through no fault of their own” (Section 25 (5) Residence Act (AufenthG)). This option was introduced on the initiative of the Red-Green federal government coalition at the time with the aim of “putting an end to the practice of repeatedly granting exceptional permission to remain” (Federal Government

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189 See the persons in categories 4 f., 8 f. as well as individual persons in categories 2 and 7 according to Federal Government 2019b, p. 8; some persons in categories 2 and 6 f. are likely to be added.

190 Category No. 3, ibid.

2002, p. 80). At the end of 2019, there were a total of 56,272 persons in Germany who were at one time subject to an enforceable obligation to leave the country.

The statistically second most important regularisation standard is also largely unknown to the public: A humanitarian residency regulation pursuant to Section 25 (4) sentence 1 f. of the Residence Act enabled a total of 21,239 persons to stay legally at the end of 2019. Additionally, hardship case commissions had granted residence permits to 8,751 persons, while the residency permission for well integrated juveniles or adults according to Sections 25a and 25b of the Residence Act, which does not depend on effective dates, applied to a total of 11,659 persons. A further 1,278 persons were issued legal residence status as skilled workers under Section 18a of the Residence Act, and 777 persons were still living in the federal territory with a permit on the basis of an effective date-dependent grandfather clause at the end of 2019 (Federal Government 2020b).<sup>191</sup>

In contrast, the cases of exceptional permission to remain for education purposes, which is discussed a great deal in the media, only affected a total of 3,639 people at the end of 2019. Exceptional permission to remain for employment purposes, which was only introduced later, had been in force for too short a time at the editorial deadline to allow reliable statements to be made concerning its practical effectiveness. However, owing to the multiple restrictions involved, the Expert Commission does not expect it to cover a lot of people.

Legally, there is an important difference between the rights of residency mentioned at the beginning and the exceptional permission to remain for education or employment purposes, as the latter does not include a residence permit but instead represents a special case of tolerated permits to stay. In specific terms, this means that the obligation to leave the country is not formally lifted. From the point of view of the Expert Commission, there is a lot to be said for establishing clear regulations in future instead of such interim solutions, with such regulations expressed in the form of a formal granting of legal status in unclear cases. This corresponds to the conflict of objectives between integration promotion and migration management (Chapter 3.9), in which case policy makers must balance different points of view when formulating the rights of residency. One possibility is to not grant an option to stay if the person concerned is partly responsible for the reasons why the obligation to leave the country

cannot be enforced – for example because the person has not sufficiently cooperated in clarifying his/her identity. Conversely, there are particularly weighty reasons for granting legal status if a person can be considered “well integrated” on the basis of various indicators, such as the right of residency provision in Section 25a and 25b of the Residence Act, which is independent of effective dates and, subject to the restrictions, on the basis of exceptional permission to remain that is granted for education or employment purposes.

#### Recommendations:

- Administrative mechanisms such as the Königstein formula fall short in terms of the initial distribution of people seeking protection. It would be better to distribute such people in accordance with criteria that take into account not only the provision of housing but also economic and other aspects that are central to integration. This does not necessarily lead to a distribution among a few large cities, and high accommodation costs. In many conurbations, comparatively favourable housing locations can be combined with good labour market access. In any case, it is advisable to include various criteria that are relevant for integration in the distribution, such as housing provision, labour market access, educational infrastructure and integration programmes.
- The present findings suggest – with all due caution in interpretation – that spatial mobility brings long-term advantages, especially for integration in the labour market and for house hunting. The residence obligation for persons with recognised protection status is therefore likely to have a negative impact. On the other hand, the municipalities have an interest in the highest possible degree of planning security. In order to alleviate this conflict of interests, the policy could allow for a restriction on influx that enables municipalities to limit the influx of protection seekers if their percentage of the population exceeds a critical threshold, for example one and a half times or twice the average percentage.
- In the case of family reunification, the time of separation for the families must be kept as short as possible.
- The legal regulations on family reunification of beneficiaries of subsidiary protection must be evaluated.

191 The figures mentioned only include persons who were staying in Germany with this residence permit at the end of the year; persons who had once held such a residence permit but now hold another residence permit (for example, for family reasons or for gainful employment) or an unlimited settlement permit are no longer included in the statistics. The total number of people covered by the regulations over the last few years is therefore higher.

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# 5 A new understanding of integration

## 5.1 Introduction

When the federal government established the Expert Commission on the Framework Conditions for Integration Potential, it was thinking primarily of migration in connection with integration issues. For this reason, the majority of the Commission's members are experts from various scientific, political and civil society fields who deal with migration phenomena at different levels. However, it was precisely these experts who found that integration should not be reduced to immigration and thus to people with a migration history. Integration should be understood and shaped for society as a whole. For this reason, the Commission presents its concept of integration in detail, expands it to include society as a whole and distinguishes it from the concept of integration used in integration debates that have thus far focused more or less solely on the migrant population. **The Expert Commission therefore makes a case for decoupling the understanding of integration from migration and relating it to society as a whole.**

At the same time, the Commission is aware of its mandate to make an effective and pioneering contribution to the future of the German immigration society. This is why the previous chapters on the dynamics and the conflict and political fields of the immigration society were predominantly concerned with the equipment and capacities of the regulatory systems, and thus with integration services and programmes that these systems must provide in view of the migration processes in the past, present and future.

The fifth chapter now deals with the question of what follows from all this in terms of a modern understanding of integration. Chapter 5.2 is concerned with the Germany's new view of itself as a country of immigration and the question of what this term actually means. In Chapter 5.3, the Expert Commission specifies its understanding of integration as a task for society as a whole, as described above. Germany's view of itself as a country of immigration and its goal of implementing complementary integration pro-

cesses in society as a whole as well result in an understanding of being German whose criteria of belonging are less rigid than before (discussed in Chapter 5.4) and whose politics of remembrance and history must be redesigned (explained in Chapter 5.5). Chapter 5.6 explores the question of the integrative power that dwells within the Constitution and at the same time explains its limits with regard to political and social arguments. Chapter 5.7 makes a case for confronting polarisation and extremism – also through more democracy education. Chapter 5.8 finally explains why it is time to say goodbye to the concept of migration background, how we will talk about immigrants and their descendants in future instead, and which categories related to migration phenomena should still be used in statistics.

## 5.2 Germany is a country of immigration – what does that mean?

Public discussions thrive on exaggerations that simplify complex contexts. In the debates of the last few decades, this has taken the form of the use of the term of the “country of immigration”, which Germany either is or is not, depending on one's point of view. In view of the factual and also expected future significance of migration (cf. Chapter 2), the Expert Commission believes that it is correct to attach this term to the Federal Republic of Germany. But what is meant by it and what are its implications? Answers to these questions must distinguish between different levels and at the same time show that Germany's view of itself “as a country of immigration” does not provide a magic formula from which everything to be designed can be explained and derived automatically. On the one hand, the issue of which entry regulations should apply to which groups of people will continue to be a topic of controversial discussion. On the other hand, the formula of the “country of immigration” does not provide any information about the efforts that must be made by society as a whole – and by government – in order to make integration possible.

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### 5.2.1 Immigration as an empirical reality

Germany is not a country of immigration in the sense that the composition of the population is predominantly due to immigration, which is the case, for example, in “classic” immigration countries like the USA, Canada or Australia. In the 19th century, Germany was also a country of emigration, with many inhabitants of rural regions emigrating to America in particular.

After 1945, Germany – and then, expressly the Federal Republic of Germany – became the “hub of enormous transnational and internal migration” (Bade 2000, p. 299),

which took the form of flight and expulsion, labour and asylum migration, the (ethnic) re-settlers influx and family reunifications. And for some time now, the Federal Republic of Germany has been experiencing immigration that is in some cases significantly higher than that experienced by the “classic” immigration countries, and which is by no means limited to the much discussed asylum migration (see Chapter 2). For example, 16.4 per cent of people living in Germany in 2018 were born abroad (DESTATIS 2019c, p. 62). This is more than the corresponding figure for the United States (14 per cent), although less than the figure for Canada (2016: 21.9 per cent) (US Census Bureau 2018; Statistics Canada 2017). In the meantime, a good 25 per cent of people in German private households have a so-called migration background (DESTATIS 2020b), and the percentage is considerably higher among younger people. All this shows that in empirical terms, it is correct to describe the Federal Republic of Germany as a country of immigration, as the report of the Independent Commission “Immigration” had already stated in 2001 (Independent Commission “Immigration” 2001).

Nevertheless, there are reservations about such a description. They probably stem from the fact that the term “country of immigration” is often used or understood as a subtle normative line of argument. It could be interpreted to mean that immigration of all kinds is unconditionally desired and should be increased in the future. However, in the view of the Expert Commission, this is a very lopsided view. In the public discourse, the specific problems and political policy options associated with immigration and integration should also be named. In other words, in addition to the descriptive content, there is the matter of openly discussing the normative dimension of the concept of the “country of immigration” and, in doing so, naming all conceptual and legal ambivalences.

### 5.2.2 Shaping future immigration

Countries of immigration can pursue very different immigration policies. Thus, the commitment to “Germany as a country of immigration” does not imply that everyone should come or be allowed to stay. Immigration law includes entry checks and deportations as well as legal access routes for professionals, family members and protection seekers. This is exemplified by the United States: The Obama administration, around 4 million people were granted permanent residence permits, but at the same time almost 1.5 million people were deported (US Department of Homeland Security 2017, pp. 5 and 103) – that is more than three times the number of people deported in the Federal Republic of Germany, measured in terms of population size. Even during the peak era of immigration in the late 19th century, the borders of the USA were by no means open. For example, content-related selection criteria excluded poverty-stricken people from Europe and – mainly for racist reasons – people from Asia. From 1924 until the 1960s, an access regime was applied that comparatively made selections openly on the basis of ethnic-cultural criteria, while today, the United States decides on the basis of merit and blood relationships (cf. Zolberg 2006).

This does not mean that Germany should pursue a particular policy approach along American lines. The issue is a different one: Immigration countries in particular have migration laws that – very similar to German law today – comprise various elements ranging from naturalisation to deportation. However, the designation as a country of immigration is not entirely neutral. It must be viewed in such a way that immigration is principally desired and made possible. It is not a question of open or closed borders, but of shaping the migration process politically and gaining acceptance for it in society as a whole.

It would be a mistake to apply the concept of immigration only to certain groups. Migrant labourers can immigrate just like persons with protection status, family members joining them or foreign students. The term “immigrant” should be used as soon as there is a legal prospect of staying. This typically implies that the person concerned has a realistic prospect that his/her residency will sooner or later become permanent, up to and including naturalisation. This applies to recognised refugees as well as to students or other persons with a temporary residence permit, which, according to the legal requirements, can first be extended or replaced by another temporary residence title and then be converted into an unlimited settlement permit.

## The basic categories of the right of residency

A **residence permit** grants a temporary stay. In the vast majority of cases, it can be extended as long as the prerequisites for issuance continue to be met. Most people who come to Germany from other countries initially live in the country with a temporary residence permit and then gradually acquire a “better” legal status. Their exact legal status depends on the reasons for their residence.

A **settlement permit** (or permit for permanent residence – EU) is a permanent title that can typically be applied for after five years of residence, provided that the legal requirements are met. It can only be revoked under certain strictly defined conditions. Persons with a settlement permit are equal to German nationals in virtually every respect, but they do not have the right to vote.

Foreigners can acquire **German nationality** by way of naturalisation. They have a legally enforceable claim to this after eight years of legal residence, provided they meet the requirements. In exceptional cases, persons may also be naturalised earlier. Children of persons with a secure residence permit, such as a settlement permit, receive a German passport upon birth if at least one parent has lived in Germany for eight years. The so-called option regulation, according to which these persons have to decide between German nationality and the nationality of their parents when they are no longer minors, has only applied since 2014 to a very small number of persons who spent most of their youth outside the federal territory.

**Citizens of the European Union** with the nationality of another EU member state have a right of free movement on the basis of the European treaties. They are allowed to enter Germany and work here at any time; they do not need a residence permit for this. However, the right of free movement is not unlimited. Those who do not work and do not have money for their own subsistence must leave Germany again under certain conditions.

A **residence permit for protection seekers** confirms that a person may stay in Germany for the duration of the asylum procedure in order to apply for asylum. Under German and European law, it is only replaced by a residence permit if the asylum application is granted. In the event of a refusal, the person concerned is usually under obligation to leave the country.

**Exceptional permission to remain** is granted to persons who are obliged to leave the country and who cannot be deported. The exceptional permission to remain does not change the fact that the stay is illegal. However, it can be replaced by a regular residence permit under certain conditions; there are various legal bases for this.

Admittedly, legal regulations on immigration should not be expected to be the key for the solution of all problems. A democratic constitutional state will never be able to control migration one hundred per cent. Even in future, not all asylum seekers whose applications have been rejected will (be able to) leave voluntarily or be forcibly deported, and there will always be some degree of irregular entry, similar to what is the case in the United States and numerous other countries. Immigration policy also requires a healthy degree of pragmatism that recognises the limits of control and deals with them in a constructive manner.

In the public debate, people often complain that the legal rules on entry and residence are very complex and difficult to understand. This is certainly true and is probably inevitable to some extent, because migration law – like many other laws – regulates complex issues and must cover many different viewpoints. Non-experts usually do not understand the details of migration law any more than they understand social law, tax law or environmental protection rules.

There is certainly some room for simplification here, just like there is with other laws. However, the Expert Commission warns against the notion that immigration law could be fundamentally simplified because the framework conditions are not suitable for a comprehensive amendment. Firstly, in order to implement a shorter version of the law, policy makers would have to be willing to undo the previous compromises that have led to the complicated regulations. This would require a considerable amount of political energy; at the same time, it cannot be expected that a new federal policy would resolve previous compromises completely differently, so a lot of complexity is likely to persist (cf. Thym 2017). Secondly, many provisions are based on European Union directives; thus, the federal legislature may neither abolish nor significantly simplify them. Additionally, some EU provisions, such as the Dublin rules or the Schengen Borders Code, apply directly, which means that a reformed immigration law could not regulate these aspects at all. Thirdly, simplified rules may give countries more leeway to apply them differently. This is unlikely to be desirable in terms of legal policy. Fourthly, and finally, a new law would mean that the staff of the relevant authorities would have to be trained comprehensively and many procedures and forms would have to be changed, which was already extremely time-consuming in the case of the Immigration Act and led to administrative delays (cf. Eule 2014, pp. 51–56). However, the foreigner registration offices and the BAMF are already busy enough with their work processes.

### 5.2.3 Debates on belonging in immigration countries

Immigration countries can do more than just shape migration patterns differently through entry and exit rules. The term immigration country is not associated with a specific political self-image or self-understanding (see Chapter 5.4 for more details). This can be illustrated by the United States of America. Over time, the USA has utilised different models of belonging, which have always been controversial in society and still are today: In the past, people spoke of a “melting pot” that was supposed to blend the immigrants into a new unity; the metaphor of the “salad bowl” which has become widespread in the meantime, on the other hand, already refers to the fact that group-related differences persist. Such popular terms conceal sophisticated disputes about which model of belonging between a modern concept of assimilation and group-based multiculturalism is sociologically appropriate and normatively correct (Vorländer/Herrmann 2001).

Similar debates have been shaping European and German discourse for some years. It must be taken into account that modern societies, which are becoming increasingly individualised and differentiated, have hardly any prior sets of values or community spirit that derive more or less “naturally” from religion or traditions and create identity. The latter have largely disappeared, which is why modern societies have to come to an understanding over and over again regarding the foundations of coexistence and cohesion. The high degree of mobility within and between European societies also makes it necessary to continually renegotiate and discuss questions of recognition, belonging and participation. Thus, one can be politically in favour of or against dual nationality and argue for or against holidays being oriented toward religious traditions (cf. Chapter 3.7). However, what is important for an immigration society is that the “new Germans”<sup>192</sup> gradually get a feeling of belonging that is equal before the law in the community and, at the latest after naturalisation, have a say in deciding which guiding principles should be followed.

## 5.3 Integration as a task for society as a whole

*The Expert Commission makes a case for raising awareness about the concept of integration and redefining its goal. Integration as defined as equal participation and involvement in the central areas of society should be “decoupled” from migration and the focus on immigrants. Here, integration is understood as a permanent, open-ended and conflictual process that takes place in various societal subsystems and at all political levels and affects all members of society. Migration-specific support measures should be replaced as far as possible by measures that benefit all people who have limited opportunities for participation.*

### 5.3.1 Integration – a compromise definition?

Integration has been a guiding concept in the German immigration debate since 2005. It has been a long road to get here. Germany had indeed recruited millions of migrant labourers (“foreign workers”) from southern European states, Turkey, and the Maghreb countries decades earlier, but under the premise that Germany was “not a country of immigration.” Only temporary labour migration was permitted, albeit on a large scale – so there was no need for systematic integration measures. This point of view also applied in the German Democratic Republic, which had brought workers (“contract workers”) from “socialist sister countries” such as Vietnam, Cuba and Mozambique into its production facilities from the 1960s onward on the basis of temporary contracts (cf. Chapter 2.2.1).

Nevertheless, especially in large West German cities, “integration” was no longer a foreign word in everyday municipal life, in schools, large industrial companies and, above all, in social work from the 1980s at the latest. The federal states, many of which are responsible for integration, had already begun to build up infrastructures for integration and to draw up state concepts for it at the beginning of that decade (Berlin: 1981). Municipal integration concepts followed in many places (cf. the overviews on this in Damm 2019; Filsinger 2018; Gesemann/Roth 2018; Gruber 2010; SVR 2012). In recent years, some states have also adopted integration laws (see SVR Research Area 2017a; SVR 2019b). Concepts as well as laws also take into account – with different accentuation in each case – a fundamental insight: Germany can no longer rely solely on integration taking place pragmatically via the labour market, which was the case for a long time. The laws also

192 For this term, among others, see Foroutan 2010; Topçu et al. 2012; Münkler/Münkler 2016.

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serve to promote a social understanding of how integration must be viewed and regulated. However, they differ in terms of their primary addressees and how integration measures should be implemented (cf. SVR 2018a). Here, the states were already focusing on different areas in the 1980s and continued to do so in the decades that followed.

At the federal level, decisions were not set until the turn of the century; this was done legally through the reform of the nationality law (1999/2000) and in public discourse through the work of the “Süssmuth Commission” (2000–2001). With the new Immigration Act (2005), integration was mentioned in a federal law for the first time and – derived from the federal responsibility for regulating entries and exits – it was legally anchored as a mandatory task to be financed by the Federal Republic of Germany. Specifically, language and orientation courses as well as social counselling were mentioned as integration measures. The measures were and still often are based on the principle of “promoting and demanding”, which was borrowed from the welfare state reforms taking place at the same time (Hartz Laws).

Analytical, normative, scientific and political aspects have always overlapped in the definition of integration. The question remains open, however, as to whether “integration” at the same time denotes a (political) compromise definition “that is difficult to dispense with in the absence of alternatives that can be agreed upon” (affirmative view: Scherr/Inan 2018, p. 221) – especially since the term as such has different connotations in academia and in the public sphere and has also been criticised many times. Additionally, attention has been frequently called in the past to problems in migration and integration processes in everyday life. Integration did not seem to “work” in many places. Moreover, the high number of protection seekers in 2015 and 2016 raised fundamental doubts about the “integration potential” of society and state authorities – as well as that of the immigrants. In any case, the concept of integration has not become a guiding principle for society as a whole in public discourse. Nevertheless, there are good reasons to hold on to the term, reflect on its problems and the objections against it, and raise more awareness about the same.

### 5.3.2 Integration – a charged and disputed term

The concept and definition of integration has also been repeatedly criticised in academic and political discourse (overviews in Treibel 2012; 2020b; 2020c; Kunz 2018; Krämer 2008, among others). It has been argued, for

example, that the term integration is vague and falsely gives the impression that there is a predefined guiding principle to which those to be integrated have to adapt, i.e. the migrants. The reply to this is that there can be no such guiding principle that is defined and made binding for all members of society; even the discussion about the so-called defining culture in Germany cannot hide this fact. Rather, the controversial discussion about what belongs to a “defining culture” is itself an expression of a social discourse about a self-view and therefore part of an overall social integration process. “Integration” is not to be thought of as a fixed portfolio of values that need to be adopted. It goes without saying that there are legal and social rules as well as institutional structures according to which and within which integration can and should take place.

The public discourse on integration in Germany is often characterised by the construction of an “us” group, which denotes “the mainstream society,”<sup>193</sup> versus the “others” (the immigrants), who are often assumed to be “unable” or “unwilling” to integrate. This juxtaposition is not only associated with exclusionary and stigmatising effects; in many cases it creates them in the first place with a polarising intent (“othering”). Integration thus becomes a term of political warfare. This divides a society rather than integrating it – and this quite apart from the fact that according to empirical data, integration takes place in a variety of different ways, as shown, for example, by the SVR’s regularly published Integration Barometer. Moreover, neither “the mainstream society” nor “the immigrants” form homogeneous groups.

Among immigrants and their descendants, as well as among migrant organisations, but also in academia, the concept of integration has also come under criticism in recent years (neue deutsche organisationen 2015b; NDM – Neue Deutsche Medienmacher 2019; Ataman 2019; Czollek 2018; Mecheril et al. 2013; Foroutan 2019). It is especially criticised that an “integration imperative” is formulated here, which is directed at all people with a supposed “migration background”, including those of the second and third generation, although they have often been German nationals for a long time or were even born as such. Here, a one-sided understanding of integration has an exclusionary and discriminatory effect, but certainly not an integrating one (cf. Georgi/Keküllüoğlu 2018).

The discussion about the understanding of integration must also be evaluated against the background that science and politics have long and intensively dealt with

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193 Cf. on the concept of mainstream society Chapter 1.



competing terms and concepts with which the “processes of socialisation in the context of migration” (Aumüller 2009) are described.<sup>194</sup> The term assimilation is usually associated with the fact that immigrants adopt a one-sided orientation towards the host country. The antithesis of this is separation (or segmentation), i.e. the one-sided orientation towards the country of origin. In contrast, (multiple) inclusion usually refers to an orientation towards both the country of origin and the host country (cf. the typologies in Gordon 1964, Berry 1980 and Esser 1980). The concept of acculturation, in turn, refers to the adoption of certain orientations and patterns of identification. Finally, the concept of multiculturalism can, on the one hand, reflect the reality of diverse and plural cultures in modern (migration) societies, while on the other hand it can imply a political-social programme that intentionally links the recognition of cultural and ethnic differences with the abandonment of general points of orientation. Thus, this concept can also encourage social segregation of different migrant groups (Michalowski 2007; Joppke 2016). Compared to the concept of integration, these alternatives do not appear to be very effective because they overemphasise individual aspects, assume that societies are culturally static when they are not, place the burden of integration unilaterally on individual groups, or completely deny the need for integration in the name of a political and cultural “anything goes”.

### 5.3.3 The case for a comprehensive understanding of integration

***Let us state again: The Expert Commission makes a case for decoupling the understanding of integration from migration and relating it to society as a whole.***

For the present and future self-view of society in Germany, the Expert Commission proposes to embed the issue of integration in the context of social cohesion. The increasing tendencies of social division, political polarisation and cultural identity struggles, which have been observed for several years, newly raise the question of social cohesion. This involves the legal rules that must be observed in political arguments and whose foundations are laid down in the Constitution and in human rights principles – in other words, the rights of all. It also involves the way in which we discuss with each other questions of belonging

and membership, and how we decide on these, as well as whether we recognise each other as free and equal in the process. And finally, social cohesion also relates to forms of civil interaction that must form the basis of a society and its togetherness – i.e. values respect, recognition and cooperation.

In this way, the concept and definition of integration should also move away from the one-sided focus on immigrants and their descendants and the integration of protection seekers, to which it has been narrowed in recent years. In open pluralistic societies, integration is everyone’s business – and this applies all the more to immigration societies. Integration must be discussed more broadly and in relation to society as a whole. Only then will it be possible in the long term to create the necessary conditions and structures for peaceful and equal opportunity and coexistence in an open society that is increasingly characterised by globalisation and is becoming more diverse in terms of origin and cultures. The indispensable emotional, social and cultural conditions for successful integration are more likely to be shaped within the framework of social cohesion than with an understanding of integration that is largely limited to migration. In short: Social cohesion is possible only when integration is understood as a task for society as a whole.

Such an understanding of integration, which is geared to society as a whole, is defined by the Expert Commission in detail as follows:<sup>195</sup>

**Integration means participation and involvement of all people with as many opportunities as possible.**

Integration should be understood to mean that everyone has as many equal opportunities as possible to participate and take part in the central areas of social life (cf. SVR 2010, p. 13; SVR 2012, p. 55). This ranges from upbringing and early education in the family and in preschool public institutions to school education, vocational training or studies and a life that is self-determined through work and a self-determined, non-transfer-dependent life through work and its earnings, all the way to status-dependent political participation and<sup>196</sup> involvement in a wide variety of protection and welfare systems in the legal and social state. Participation also means making a fair contribution to safeguarding society’s systems of solidarity.

194 For an overview, see Rudmin 2003; Pries 2014; 2015; Joppke 2016.

195 The considerations are based on the understanding of integration developed by the Expert Council of German Foundations on Integration and Migration (SVR), especially in its annual reports of 2010 and 2012.

196 For people who do not have German nationality, for example, the right to vote is still legally restricted.

## **Self-views change – and it is necessary to debate about it**

Integration is therefore a “task for all those involved in a social structure. Successful integration therefore does not require immigrants to cut their cross-border social and cultural contacts” (SVR 2012, p. 55), just as German society does not have to give up its cultural anchors. However, neither of these things change the fact that individual and collective self-views are constantly changing. This necessarily leads time and again to new negotiation processes in which a society itself determines the direction of change. In doing so, it can also define, for example, what unites it in the midst of diversity, irrespective of all migration-related and other differences. This, inevitably relative, degree of unity in an immigration society must be debated – just like the questions of what “being German” means in the 21st century (cf. Chapter 5.4), how identities can be formed through commemorative culture and history policy (cf. Chapter 5.5), what the German Constitution does for social cohesion (cf. Chapter 5.6) and how political education can promote respect for fundamental and human rights, the rules of democracy and the principles of the rule of law (cf. Chapter 5.7). Such an understanding of rules, standards and guiding principles also forms the basis for determining what is expected of migrants – and not only of them, but of all people living in Germany.

## **Integration policy is aimed at various areas of society and takes place at different levels**

Integration policy must create the structural conditions for participation and involvement in important social regulatory systems such as education, the labour market, housing, culture and politics. In this respect, it is a cross-sectional task that is distributed horizontally across various areas. At the same time, integration policy takes place at various levels. In a federal system, legal and political responsibilities are distributed vertically and very differently among the federal government, the states and the municipalities. This applies to almost all policy areas and also to integration-related tasks. There can therefore hardly be a “flawless” integration policy – but this in no way means that the relevant policies should not be coordinated and aligned.

## **Integration is understood as mainstreaming**

Integration mainstreaming means moving away from support measures that are specifically aimed at immigrants. This especially applies to the areas of domestic, legal, social, family and education policy. Instead, support should be geared towards need – on roughly equal terms and for equal purposes; it thus relates less to migration than it does to different environments. Support is provid-

ed to people – with or without a migration history – who temporarily require integration or participation support that in some cases has previously been lacking. This is because the population at the base of the social pyramid in Germany as a whole has comparable social disadvantages at the outset that can be “inherited.” The “migration background” is therefore only one criterion among several – and this too only if disadvantages on an individual basis are actually recognisably migration-related. This can be, for example, linguistic weaknesses in German; but such weaknesses also exist among people who have not recently immigrated. Other aspects such as educational background, educational history, living environment and access to support measures are often at least as decisive for equal opportunity participation in the central areas of social life (cf. SVR 2012, p. 55). Therefore, it is important to design “accompanying and catching-up educational support as central areas of participation support” (SVR 2010, p. 22) – also for people without their own or a family migration experience.

## **Integration is a permanent, open-ended and conflictual process**

There is no such thing as integration into “the” society; there is only successful or unsuccessful integration in various areas. Integration – in the sense of participation and involvement that offers as much equal opportunity as possible – is not a state that is achieved once, but rather a “lasting and open-ended interactive process of economic, social, cultural and political participation and involvement of people at the local, regional, national and transnational level” (SVR 2012, p. 55; also D’Amato 2008). Political authorities should commit to a “strategy of enabling” (as Bade also stated in 2009) that gives all people living here the chance to mobilise their abilities and to contribute their talents and cultural knowledge as well. It must also be accepted that this process is not always without conflict. In fact, conflicts are sometimes a prerequisite for integration (cf. Chapter 3.1), as they draw attention to the fact that social structures must change in order to promote integration. When political and civil society stakeholders – whether they have a migration history or not – raise a claim to participation or representation in the public sphere, they make it clear that they want to belong and be heard (see El-Mafaalani 2018). This can be understood as a contribution to strengthening social cohesion. An open society thrives on debate; however, this debate must be free of violence and discrimination and must adhere to the rules of the Constitution.

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## Integration means accepting diversity in a modern society while respecting common rules

In a dynamically changing immigration society, integration within what is actually achievable forms the foundation of sustainable cohesion. This cohesion can be measured by the ability and will of all to not only endure growing diversity but also consciously accept it. This ability, in turn, is essentially fed by the economic, cultural and social participation and involvement of all members of a society and the resulting social acceptance. However, a certain degree of confusion continues to be a challenge that the immigration society must live with every day if it does not wish to destroy, through mistrust and a desire for control, its own potential for identity and identification. Beyond this common foundation, an unconditional willingness to be guided by the fundamental values of this country's Constitution is required. Last but not least, living within the Constitution means accepting – even in the everyday life of an immigration society – that the exercise of liberal rights presupposes the fulfilment of common duties. Ultimately, from the point of view of human rights and human dignity, all people must be granted the right to pursue their own life plan under their own responsibility, as long as they abide by the rules of the community.

### 5.4 Being German in the 21st Century

With the change to a self-view as an immigration society, discussions about what it means to be German and how the understanding of being German, which is strongly based on ancestry, could be reinterpreted began to intensify in Germany at the turn of the century. If immigrants can obtain German nationality, and multiple affiliations and hybrid identities are a living reality, this does not automatically mean that an answer to questions of belonging and membership in a political community now exists. In recent years, immigrants and their descendants have made various public claims of belonging: In response to the 2010 book “Deutschland schafft sich ab” (Germany Abolishes Itself) by former Berlin Senator of Finance Thilo Sarrazin and the debate about it, associations such as “Typisch Deutsch” (Typically German) or “DeutschPlus” (German-Plus) came into being and have since been committed to redefining being German in a way that includes diverse identity designs. This is expressed, among other things, in the self-designation as “New Germans” (cf. Foroutan 2010; Topçu et al. 2012). In 2015, at the peak phase of the debate surrounding the “Pegida” demonstrations (“Patriotic Europeans Against the Islamisation of the Occident”), around

80 initiatives established the network of “New German Organisations” (ndo) and formulated the claim “We too are people” (New German Organisations 2015a).

This brings up a topic that always concerns a free society, quite independently of migration dynamics: self-understanding. Individual and collective patterns of identification are not fixed parameters, but are constantly renegotiated and reimagined (cf. Anderson/O’Gorman 2006). Such changes often take place unnoticed and do not necessarily result in a formal redefinition because social self-images are generally not bindingly prescribed or fixed. Rather, they emerge from grand narratives, everyday cultural behaviours, symbols and celebrations, shared experiences and the commemorative culture, experiences in the living world, and political conflicts (see Koschorke 2013; Göhler 2012; Vorländer 2003). The concept of “being German” used here is not meant to suggest that there can be a universally binding understanding of what does and does not constitute German society. The views on this will always be varied, differ regionally and also continue to be disputed and contested in terms of individual points. However, the Expert Commission is convinced that the political commitment to Germany as a country of immigration should lead to a new understanding of what it means to be German – with more permeable criteria of belonging that is supported by society as a whole so that it does not degenerate into an empty formula. The following points of view must be taken into account in the necessary social self-understanding.

The regulations of the nationality law are an initial component of the self-definition. Particularly in the context of migration, they also provide a “projection surface”, in addition to regulatory content, for negotiating “being German” in the 21st century (see Thym 2019b). Until the 1990s, they allowed immigrants to naturalise only under strict conditions (see Chapter 4.4.1). Many saw these regulations as a tangible expression of a self-understanding according to which being German is primarily based on ancestry. In research, it was common at times to contrast the German nation of descent with the French nation of citizenship in an ideal-typical way.<sup>197</sup> This is certainly an oversimplification. This is because Prussia had adopted the principle of descent (*ius sanguinis*) from revolutionary France, where it was considered anti-federal and progressive (cf. Weil 2008). The close connection of the *ius sanguinis* with the idea of the nation state only emerged later, in the course of the formation of the German national state. Here, it was partly understood as an expression of a racial nationalism; at the same time, it provided the framework for social and

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197 Cf. Brubaker 1992. However, the French concept of citizenship was based on a mixed system of blood and territorial principle.

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economic modernisation and for democratic reforms (see Gellner 1983; Marshall 1964). In Germany, a multilevel system of membership and the residence principle applied at the local and individual state level for a long time; this then gradually changed until the nationality law of 1913 (Weber 2018). In the public discourse, membership was thereby partly “ethnicised”; it was now also understood as a community of descendants. The National Socialist citizenship law in Nazi Germany of 1935 took the ethnic and racial focus of nationality law to the extreme. Only a “Member of German blood” was now a full citizen; members of other ethnic groups, “races” and cultures were considered “a different breed” (Vorländer 2001). This racial understanding of being German remained powerful beyond the end of World War II, – in parts of society even into the present (cf. Wildt 2017). To this day, numerous countries follow the principle of a community of descendants. It also continues to apply in Germany; however, at the turn of the century, it was supplemented by the principle of place of birth (*ius soli*).

Thus, at the legal level, the German nation has long defined itself primarily or even exclusively in terms of common (biological) ancestry and in terms of past-related criteria such as a common history or a traditional culture. The fact that this ethnicising and culturalising concept shaped German self-understanding for many years may also be due to the division of Germany, since it also provided a theoretical basis for the desired reunification (cf., for example, Lepsius 1990). For immigrants and their descendants, however, this notion has had a marginalising effect. In the opinion of the Expert Commission, it is outdated. What is needed instead is an openness of self-image that recognises that immigration is an integral part of society in Germany and that all people with German passports must be recognised equally as Germans. This was emphasised by former German President Joachim Gauck in his speech commemorating the 65th anniversary of the German Constitution: “In future it will be far less possible to identify who is German by their name or appearance than it was in the past” (Gauck 2014).

So far, however, this paradigm shift has only had a limited impact on the attitudes of the population. Immigrants and especially their direct descendants, the members of the second generation, often view the repeated “defining culture debates,” everyday discrimination and the widespread accentuation of a religious and cultural sense of belonging as a discursive exclusion from German society; ultimately, this would continue the traditional notion of a culturally or even ethnically homogeneous nation under a new guise. This also includes supposedly harmless questions such as origin or migration history (cf. Ataman 2019). In the perception of a not insignificant part of the

population, non-acquirable and unchangeable characteristics – such as German ancestors – remain prerequisites for people to be perceived as “real” or “proper” Germans (Foroutan et al. 2014, p. 26). It is therefore urgent that the openings for naturalisation be accompanied by debates in society as a whole that readjust the collective self-image and thus strengthen society’s willingness for integration.

This process of change involves the entire population; it therefore requires an understanding of integration as a two-way process that encompasses society as a whole. The descendants of immigrants now participate with growing self-confidence in the debates regarding identity and belonging (cf. Hüttermann 2009). As far as attachment to Germany is concerned, there are hardly any differences between Germans without and with a “migration background”. Of the latter, 80.7 per cent say they love Germany and 76.5 per cent feel German (among Germans without a “migration background”, the respective figures are 86 per cent and 86.1 per cent ; see Foroutan et al. 2014, p. 25). At the same time, many people experience that their legal status as German nationals – more than half of the people with a “migration background” as has been defined thus far hold a German passport – does not automatically protect them from symbolic expatriation and the questioning of their belonging. Especially those who were born and/or grew up here (the so-called second and third generation) prove to be vulnerable in this respect. Researchers have therefore been discussing for some time the extent to which re-ethnicisation tendencies, which are sometimes evident in these groups (cf. Bertelsmann Foundation 2009, cf. 21f.), can, among other things, be traced back to experiences of exclusion. In addition, nationalist ideologies from the countries of origin of the (grand)parents also have an effect in some cases in migrant communities in Germany and make targeted offers of identity to disillusioned young people (cf. Federal Coordination: School without Racism – School with Courage 2019).

It is therefore necessary for the German immigration society to renew its self-image. In line with the factors mentioned at the beginning, this requires grand narratives as well as everyday cultural forms of behaviour, symbols and celebrations, shared experiences and the commemorative culture, everyday experiences of life and a democratic culture of discussion that allows us to deal with political conflicts. This is not about aligning the collective self-image exclusively with Germany. A cosmopolitan patriotism recognises parallel feelings of belonging to a locality and the German federal state in which one lives, as well as identification with the European Union and at the same time with the country of origin of one’s ancestors. This results in multiple identities, which can be seen, for example, in the fact that members of minorities maintain

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contacts and connections to their countries of origin or to those of their parents and grandparents, that they are emotionally affected by political events in these countries and then take to the streets in Germany, for example, to demonstrate against grievances in these countries.

Such “transnationalism processes” (e.g. Nowicka 2019) must be taken into account when developing an adequate understanding of integration – even when they cannot be easily translated into normative specifications. Cross-border contacts characterise the German immigration society just as much as sedentariness and regional rootedness. This can create tensions between those who are at home in the global world and those who feel they belong to their ancestral homeland, between cosmopolitan attitudes and regional identities (Goodheart 2017). Part of being an immigration society involves addressing such tensions and dealing with and enduring the debates that arise from them.

The Expert Commission promotes a concept that postulates that the political commitment to Germany as a country of immigration should lead to a new understanding of what it means to be German – with more permeable criteria of belonging that can be supported by society as a whole.

Certain dimensions of belonging are particularly important to the Expert Commission: a more open commemorative culture (see Chapter 5.5), the German Constitution (see Chapter 5.6) and democratic education (see Chapter 5.7).

## 5.5 Belonging in the conflicting situation between commemorative culture and the politics of history

Diverse images of history and memory exist in immigration societies. These are constantly in motion, enter into dialogue with each other, provoke each other and, last but not least, compete with each other. Two German presidents have addressed issues that arise from this. In a speech during the German Historians’ Day in 2002, Johannes Rau raised the question of what history means as a source of identification and identity in a society in which people of very different origins and cultures live together:

*“How does a ‘we’ come about in such a society? What historical roots, what past does our colourful society have? Must there be many different stories, or must the many embrace a single story? Will the immigrants one day see themselves as Germans, as Bavarians, as Saxons? It is likely that those who have arrived will, in their own way, make the story their own, and together we will one day tell a new, common story.” (Rau 2002)*

And Frank-Walter Steinmeier made a clear statement on the importance of history in and for the German immigration society in his speech at the ceremony for the Day of German Unity on 3 October 2017 in Mainz:

*“Those who are looking to make Germany their home are entering a society that is built on the order that was established by our Constitution and based on shared values [...]. And, finally, despite all the debates, and all the different opinions, there’s one thing that’s not negotiable in this German democracy: the commitment to our history, a history that for young generations brings with it not personal blame, but enduring responsibility. The lessons of two world wars, the lessons of the Holocaust, the full rejection of all nationalist thinking, racism and antisemitism, as well as assuming responsibility for the security of Israel – all this is part of being German. Therefore, becoming German means acknowledging and accepting our history” (Steinmeier 2017).*

Both presidents made clear in their speeches that the narrating of history or histories defines identities and builds shared historical memories that can and should create cohesion.

### 5.5.1 Remembrance of National Socialism and the Holocaust

Being German and being part of Germany’s history also includes Auschwitz. Therefore, being German in the 21st century cannot mean completely dissolving the reference frame of history and memory and understanding oneself only as cosmopolitan. For that would mean forgetting the historical responsibility for the crimes of National Socialism, which forms a basis for the democratic self-understanding of the Federal Republic of Germany. The historical burden of National Socialism should also be taken on by those who have no or a different family connection to this chapter of German history. The family biographies of these mostly immigrant people are linked to other historical experiences and narratives. It may be that the Nazi crimes either do not play a formative role here or are viewed from the self-understanding of a victim nation, as in the case of Poland (one of the main countries of origin of immigrants here). The diverse, sometimes competing narratives expand the commemorative culture in Germany – also with regard to dealing with the history of National Socialism.

On the question of how people in the immigration society learn history – especially the history of National Socialism and the Holocaust – the available studies do not provide a uniform picture (Georgi 2019). The spectrum ranges from relative indifference and rejection of “German” history to

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the construction of transcultural images of history and intensive contemplation of specific historical events and players. (Georgi 2003; Meyer-Hamme 2009). Thus, previous research proves that the “migration background” differentiating category has a certain relevance; nevertheless, hardly any specific explanatory value for the modes of processing history have been found. Generational affiliation often plays a far greater role here than migration history.

In an essay about his visit to the Auschwitz memorial, Navid Kermani (2017) argued that immigrants in Germany are not a “glitch in the politics of remembrance”. Critical voices warn against defining historical consciousness through historical attributions along lines of origin and “backgrounds”. This would be tantamount to an ethnic narrowing of historical consciousness (Assmann/Janker 2018) because it would, among other things, extend the notion of a “subject of the community of the people” into the present (Fava 2015). Historical education must not make dealing with National Socialism a matter of national belonging (Messerschmidt 2010). For this reason, it is very important not to view racist forms of exclusion and discrimination as well as antisemitism exclusively in a retrospective manner, but instead to consistently analyse these phenomena with regard to their current forms of expression as well and thus also examine group-based hostility towards people (Möller 2017) in the present. This is not about comparing historical dimensions, contexts and factual consequences; it’s about helping the experiences of suffering and victimisation of different social groups to be publicly articulated and recognised (Georgi 2019).

### 5.5.2 Remembrance of German colonialism

The relatively short period of German colonialism ended 100 years ago with the conclusion of the Treaty of Versailles, through which the German Empire lost all its colonies. The former German colonies were in what is now Namibia, Cameroon, Togo, Tanzania, Rwanda, Burundi, Papua New Guinea, the Marshall Islands, Micronesia, Western Samoa and part of what is now the People’s Republic of China. For many years they were largely ignored politically in the Federal Republic. “Germans still repress their bloody colonial history and the primal causes of racism”, writes journalist Hanno Rautenberg (2020, p. 39) and proposes the establishment of a museum of colonialism.<sup>198</sup>

The German government has been addressing the genocide of the Herero and the Nama in German Southwest Africa – today’s Namibia – only since 2015. However, an official apology from German government is still pending, as are compensation payments to surviving dependents or descendants. Representatives of the ethnic groups to which the murdered persons had belonged filed claims for damages on several occasions, most recently on 5 January 2017 as a civil action before the US District Court for the Southern District of New York (Vekuui Rukoro against the Federal Republic of Germany), which was dismissed in 2018.

However, the current debates on colonial crimes (genocide, looted art and restitution) point to a significant shift in public historical consciousness: Part of being German in the 21st century involves coming to terms with German colonialism. The relationship between national history, European history and global history is being redefined in order to overcome Eurocentric perspectives. (Lundt 2012). At the political level, the Ministers of State Monika Grütters and Michelle Müntefering have called for Germany and Europe to face up to their colonial history. The injustices that occurred during this time had been forgotten and suppressed for far too long. This blind spot in the commemorative culture must be made visible (Grütters/Müntefering 2018).

In Germany, people of colour and Black German initiatives (e.g. the Initiative Schwarze Deutsche Bund e.V. or EOTO – Each One Teach One) have been persistently campaigning for years to publicly acknowledge the colonial crimes and to fight the persisting racism in society. In addition, it is their declared intention to make the perspectives of black people visible with regard to German politics of history and memory. The fact that the process of coming to terms with German colonialism and its aftermath, as well as the debate on racism in Germany, have gained momentum is largely due to these social movements.

Since 7 February 2018, “coming to terms with colonialism” has been included for the first time as an aspiration in the coalition agreement of a federal government (Press and Information Office of the Federal Government 2018a, p. 154). However, it does not specify which part of German colonial history must be dealt with and how. This is an important task not only for politics, but also for historical-political education. On the one hand, it would be very important to examine history lessons and history books to see whether they present the topic in a contemporary and scientifically relevant way and, if necessary, to develop new concepts for

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198 Article in DIE ZEIT No. 35/2020 of 20 August 2020, also available online at <https://www.zeit.de/2020/35/deutsche-kolonialgeschichte-kolonialmuseum-rassismus> [10.09.2020].

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teaching it. On the other hand, the extracurricular institutions of cultural and historical education (museums, places of remembrance, theatres) also must critically question their own practices of exhibiting, curating and depicting in relation to colonialism and its aftermath. The above-mentioned proposal to establish a museum of colonialism also seems worthy of consideration here.

### 5.5.3 Remembrance of migration

Migration has shaped the territory of present-day Germany from the beginning of this territory's settlement. In this respect, it is a fundamental phenomenon in our society. Nevertheless, the topic is still given too little attention in the historical narrative in many instances. In this context, dealing with and recognising migration history(s) is of great importance for society as a whole. First of all, this would enable people who immigrated to Germany to see themselves and their specific stories as part of a tradition here, and thus get the feeling that they belong. Secondly, in this way socio-cultural diversity and migration could be treated and reflected upon as a normal aspect of history. So far, this has only been the case to a limited extent. For example, recent nationwide textbook analyses document that migration is often presented as a "special case" or "disturbance", or as a "problem" (Georgi et al. 2015). The background to this is the persistent myth that migration is a phenomenon of modernity, or even of the present (Oltmer 2018). A critical revision of this point of view is opposed, for example, by curricular orientation frameworks for history lessons, which to this day make the sedentariness of humans the starting point of historical narratives; as a result, migration appears as a systematic disruption of the historical order (Lücke 2016).

In terms of a republican understanding of citizenship, the stories of the people who actually live in Germany must be told. This also includes diverse stories of migration and flight, which have their starting point in different geographical locations, in different life situations and different motives. One can think of, for example, the stories of the displaced persons and the expellees after the Second World War, the stories of the so-called guest or contract workers, the stories of the (ethnic) re-settlers, the Jewish quota refugees or the Vietnamese boat people, the diverse stories of the people who found political asylum in Germany (e.g. people from Chile, Iran, Eritrea) and the stories of the many protection seekers, for example from Syria, Iraq or Afghanistan, who have been living in Germany since 2015. It should henceforth be possible to tell all these stories as part of German or European history. Particularly with regard to ques-

tions of recognition, it should also be examined how labour migration in the Federal Republic of Germany (1950s and 1960s) and so-called contract work in the GDR (1970s and 1980s) influenced social development. The descendants of the immigrant workers rightly complain that the contribution of their parents or grandparents to the reconstruction of Germany after the Second World War, for example, has received little public attention and recognition. However, such issues of recognition play an important role for society – both in terms of the socio-cultural participation of minorities and in terms of the formation of shared narratives.

In this context, it is certainly an important step that a "House of Immigration Society" is now being built in Cologne. It took a full 30 years to convince politicians of the need for a migration museum in Germany. Here, too, it was civil society forces, above all the Documentation Centre and Museum of Migration in Germany (DOMiD), that were instrumental in driving the process forward and collecting and archiving objects that can now be exhibited. Developments should not be limited to a "House of Immigration Society", however. Rather, migration history should become an integral part of permanent exhibitions in other museums and at other locations as well. How this can be done is shown, for example, by the German Emigration Centre in Bremerhaven, which is a migration museum as well and also shows the more recent immigration in the course of the forced migration in 2015.

### 5.5.4 Historical diversity in migration societies

In migration societies, the history or histories of the natives and the immigrants, and the relationship of these histories to one another, must be addressed (Georgi 2009; 2019). In this way, diverse and in many ways competing ideas, perspectives and evaluations of historical events interact with each other. Different communities of remembrance commemorate one and the same event in different ways. It is also possible that the respective groups refer to completely different historical facts that are important to them. In the process, history itself also becomes an agenda item or a site for the negotiation of historical identities. In such negotiation processes, which are at the same time processes of appropriation of history, senses of belonging are also negotiated. This of course does not happen in a vacuum, but instead within the framework of a politics of history. This is usually shaped in nationalistic terms and is also reflected in a nation-state-oriented school curriculum that focuses on the history of the "mainstream society" in historical considerations and memories. Thus, there is a

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danger that other groups and their history or histories will be excluded, or that these groups will not participate in the selection and interpretation of events that are significant in national history.

The history of the “others” and the multiple entanglements of history have hardly been addressed thus far. The stories of the different groups hardly come into contact with one another. Migration histories, country-of-origin histories, family histories and the histories of the “mainstream society” are still considered too rarely in terms of their commonalities, connections and interactions. On the one hand, it is therefore a matter of exploring historical connections and interdependencies, but on the other hand, it is also a matter of opening up history lessons to heterogeneous interpretations and judgements; such interpretations and judgements only become possible through diversity-sensitive, global-historical and, above all, contemporary-historical approaches. In this context, it would be important to ask which narratives and which places of remembrance are missing in German immigration society. Which social groups have not been represented or have been represented less in Germany so far, e.g. in textbooks and in the memorial landscape?

### 5.5.5 Historical-political education

Schools and other institutions of historical-political and cultural education are required to react to changing remembrance practices and “historical needs”. Educational programmes must be examined to see whether or to what extent they respond appropriately to the pluralisation of the formation of historical meaning that results from migration and diversity. How can historical learning encourage a discourse on controversial narratives of the past? What concepts are used in schools, museums, memorial sites and other places of remembrance and also in non-formal education projects? The historical-political educational practice in these different fields of action has hardly been studied scientifically up until now. The Expert Commission considers it imperative to intensify research in this area.

In view of increasing mobility and migration, the fact that school history lessons are confined to the national realm is an indication of a loss of empirical and conceptual plausibility. This raises the question of how to design history lessons that are sensitive to differences and cultures. The recommendations of the Standing Conference of the Ministers of Education and Cultural Affairs of the states in

the Federal Republic of Germany on the commemorative culture as a subject of historical-political education in schools seem to clearly outline the educational mandate for contemporary historical-political teaching oriented towards the complexity of the immigration society. This is indicated by, among other things, the statement of the Standing Conference that history and images of history must be understood as constructed (KMK 2014, p. 4). Moreover, it is emphasised that history lessons should more strongly promote the ability to independently reflect on historical interpretations and participate in controversial discussions on historical events. For this, new concepts must be developed and educational materials must be provided, especially those that focus on the historical-cultural change in the immigration society itself.

Historical-political education currently takes place in our schools only in brief time windows. The question is whether this is sufficient to establish a critical approach to the diverse histories and historical interpretations in the immigration society. However, the quality of historical-political education is also crucial. This concerns the media of school education (e.g. textbooks) as well as the technical and pedagogical professionalism of the teachers.

### 5.5.6 More diversity in extracurricular civic education

In 2019, the Federal Agency for Civic Education (BpB) launched a call for proposals to diversify the civic education landscape.<sup>199</sup> This was a step in the right direction, because migrants have been under-represented in this area up until now. This is illustrated by a glance at the members of the “Federal Committee on Civic Education” and the “Joint Initiative of the Political Youth Education Institutions in the bap [Federal Committee for Civic Education]” or at the sponsors of educational institutions in Germany. A structural deficit reveals itself here. Based on the initiative of the Federal Agency for Civic Education (BpB), it should now be a matter of (post)migrant organisations, migrant self-organisations or “new German organisations” actually being regarded and valued as partners and players in civic education and being formally recognised accordingly – for example in the form of participation in relevant committees and decision-making processes, sponsorship from the BpB or membership in the Federal Committee for Civic Education. Furthermore, the landscape of the so-called established institutions of political education has to become more open and these institutions also need take

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199 The Arbeitskreis deutscher Bildungsstätten e. V. (AdB) (Working Group for German Training Institutions) was awarded the contract for the three-year project (<https://www.adb.de/content/st%C3%A4rkung-und-diversifizierung-der-politischen-erwachsenenbildung-im-adb> [19.08.2020]).



a critical look at racism in their own organisations – for example, by implementing strategies of diversity mainstreaming. Additionally, funding sources have to open up for “new” organisations, and new funding sources with legal foundations should be developed (Democracy Promotion Act). Furthermore, the approaches of civic education should be revised in a programmatic and diversity-sensitive way. In doing so, the following three areas must primarily be addressed: (1) Topics and methods, (2) Target groups and how to reach them, and (3) Staff and speakers.

#### Recommendations:

- The stories of the immigrants and their descendants should be presented in public spaces, for example in museums or other places of remembrance.
- With regard to the central teaching of Nazi history in Germany, there must be a common consensus that a responsible approach to the Holocaust and its aftermath must not depend on national origin, nor on cultural or religious affiliation.
- Educational offers should also address immigrants and also demand from them – as from persons born in Germany – an active confrontation with the German past.
- Historical-political education should open up new – also digital – ways of learning history and remembering in the immigration society. This not only concerns history lessons and the presentations used in textbooks, but also the concepts of historical learning in extracurricular institutions such as museums and memorial sites.

## 5.6 The role of the Constitution for social cohesion

There is barely any discussion about integration in which the Constitution is not invoked as the basis for living together. This is true in many respects; nevertheless, it raises the question of what the integrative power of the constitution is based on and what significance it has in the establishment of social cohesion.

### 5.6.1 The integrative significance of constitutions in general and the German Constitution in particular

First of all, constitutions are sets of rules that help resolve conflicts in a civilised manner. They can help resolve

conflicts – but they cannot guarantee that conflicts will be resolved. This can be seen in places where the independence of the judiciary or the freedom of the media, science or art is restricted. Ultimately, its creative power depends on whether people “believe” in a constitution, adopt it as their own, and also use it and thus bring it to life.

Constitutions also have a symbolic function: They are forums for social self-understanding. Disputes over fundamental political decisions are carried out on their basis (Thym 2018a; Vorländer 2019a; 2019b). And thus, it only seems paradoxical at first glance that the Constitution was able to become a foundation for Germany’s self-understanding because it was interpreted and claimed differently from all sides. Especially in the 1970s, party-political and socio-political forces clashed extensively – in the disputes over abortion, conscientious objection, co-determination, and policy towards the East Bloc. The disputes were always argued before the Federal Constitutional Court and often resolved there (Vorländer 1981). The Constitution became the common basis because all parties invoked it. Integration through conflict – that was the magic formula that turned the Germans into “constitutional patriots” decades ago (Sternberger 1979; Vorländer 2007; Müller 2010; Thym 2020).

The Constitution also paved the way for German reunification in 1990. It therefore stands as a symbol for the political community – very similar to the way people in France pledge themselves to the “nation” or “republic”, which is difficult in Germany because of its history. And so, as surveys show, people also look with pride at the Constitution and its guarantees, in the same way they look at democracy, the rule of law and the social welfare system (see Vorländer 2009 for specific figures). In this connection, it is a positive sign when the Constitution is referred to in debates on migration and integration. This makes it clear that the joint project must be continued under the umbrella of immigration. Referring to the Constitution shows a willingness to agree on and accept common ground.

This does not mean that the Constitution can solve all problems. In fact, a major deficit of the current debates is that they imply that the content of the Constitution is static. Thus, the Constitution does not always show a clear path for politics. This applies particularly to areas that constitutional law does not regulate or regulates only to a limited extent, such as nationality law, the right of residency for protection seekers whose asylum application has been rejected, or the introduction of Islamic religious education. Even the interpretation of fundamental rights is regularly disputed. In the dispute over “Marriage for all”, for example, both sides invoked the Constitution in equal measure: The opponents emphasised the special protection of marriage, while those in favour of it highlighted

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the principle of equality. And under which circumstances female teachers can be forbidden to wear a headscarf during lessons has not yet been conclusively clarified between the senates of the Federal Constitutional Court (cf. Ladeur 2015). Rulings from Karlsruhe (the seat of the Federal Constitutional Court) often serve to help resolve a conflict. However, they are preceded by a sometimes passionate dispute about the correct interpretation of the Constitution, and sometimes the dispute continues even after a decision of the Federal Constitutional Court. This makes it clear that invoking the Constitution is not a substitute for public debate, but that rather in some ways it presupposes such a debate. Serious constitutional patriotism is more demanding than it seems: It is not based on unalterable content, but requires a willingness to engage in content-related and also conflictual argument (Ezli/Thym 2018).

It is crucial that the Constitution be recognised as the framework and basis for civil political argument. This is not self-evident, because everyone must first learn and practice how to act in accordance with the Constitution. This happens in everyday political life when respect and tolerance are shown to dissidents. It happens where the Constitution and its fundamental principles are spoken about and taught – in school or in integration and orientation courses for immigrants. In this respect, the Constitution also stands for values and normative practices that are able to convey a sense of community. It thus becomes the “defining culture” in the immigration society (Göhler 2003).

The Constitution implicitly stipulates that all people living in Germany should respect and protect human dignity. It protects the freedom of all people and guarantees their equality before the law. This is not just abstract theory. It follows from the fundamental right in Germany for everyone to be allowed to live according to his or her own wishes and that it should not really make any difference whether someone is called Farhad or Florian. Of course, this does not mean that the Constitution prohibits all state measures. German and European constitutional reality also includes, for example, making family reunification dependent on simple German language skills or obliging Muslim girls to participate in co-educational swimming lessons in the Burkini.<sup>200</sup> Fundamental freedom is not absolute. It is also about public interests and ensuring prosperous coexistence. And here, constitutional law is the medium through which cases of dispute are decided – not always by consensus, but nevertheless with a pacifying intention.

What can the law contribute in terms of integration policy? After the Bavarian Integration Act – which came into force in 2017 – defined an especially open “defining culture” that encompassed fundamental rights and a diversity of lifestyles as well as shared traditions, the Bavarian Constitutional Court ruled in 2019<sup>201</sup> that the state legislature may define and promote such a defining culture. However, it also ruled that the free constitutional state – as with values in general (Böhm 2017) – may not demand that this defining culture be adopted under threat of coercive measures as long as no specific danger emanates from a person. Moreover, compulsory citizenship courses for “immigrants who refuse to assimilate”, as provided for by law, are also not permitted merely if a person makes derogatory comments about the free democratic order (Thym 2019a).

This ruling points to a general feature that characterises many debates about social self-understanding: They only marginally concern the sphere of the state, where law and order can prescribe certain behaviour. At the same time, the issue is not the private sphere, in which the individual members of the population seek their own paths in a family and individually self-determined manner. Rather, much of the current debate refers to a middle sphere of society, which today – not only in the context of migration – is increasingly distinguished from the private sphere (Alexander 2006). In this middle “civil sphere”, the state can do little in terms of prescribing behaviour and enforcing it with sanctions; one should therefore not overestimate its role in this regard. The self-understanding only marginally refers to public tasks such as the school system, and it thrives above all on social engagement and debate. For such debates, the Constitution can serve as a reference point, but it is no substitute for the sometimes difficult disputes.

### 5.6.2 An amendment to the Constitution for the country of immigration? Establishment of a panel of experts

In 2016–2017, immigrant associations demanded that the Constitution should also address migration activity (“Impulse paper by the immigrant organisations” 2017; Eichenhofer/Dilmaghani 2017). They proposed to define a new national objective: A new Article 20b should define Germany as a “diverse immigration country” that promotes “equal participation, equal opportunities and integration of all people”. In addition, there are other suggestions that take up the wording of “promoting and

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200 Cf. ECJ, K & A, C-153/14, EU:C:2015:453; Federal Constitutional Court (BVerfG), resolution of 25/3/2011, 2 BvR 1413/10, and Federal Administrative Court (BVerwG), judgement of 11/9/2013, 6 C 25.12

201 Bavarian Constitutional Court, ruling of 3/12/2019, 6-VIII-17 & 7-VIII-17.

demanding” and refer to the German language or add the following to the Social State Principle of Article 20 (2) of the Constitution: “The German state promotes equal participation of all people” (Thym 2018a). In the same vein, there is the thought of adding the following wording to the code of values in Article 1 (2) of the Constitution: “Tolerance, mutual respect, compliance with the law, and equal attention to the needs of all people living in Germany determine coexistence in society and the conduct of state bodies and institutions” (Kluth 2018, D 49). A corresponding extension of the preamble would also be conceivable. A decade ago, Norbert Lammert and Wolfgang Thierse had already called for the German language to be included in the list of values (Lammert 2011; Thierse 2009, pp. 11–13). For a long time, there has also been discussion about removing the concept of race from Article 3 (3) of the Constitution (Baer 2010; recently taken up by representatives of various political parties and e.g. in Dilmaghani et al. 2020). In addition, other aspects of integration in society as a whole could be taken up, which had already been addressed earlier independently of the issue of migration. For example, the importance of culture, volunteer work, sports or even clubs and associations could be emphasised in state objectives.

From the point of view of the Expert Commission, it is worthwhile to enter into a political discussion on an amendment to the Constitution, which could include other options in addition to those mentioned. The advantage of an amendment to the Constitution would not only involve the fact that it would signal that integration of all people is an important concern for society as a whole. That’s because just the discussion about the Constitution can also be a means of coming to an understanding about the fundamental principles of Germany as a country of immigration. In this respect, the Constitution would once again be the forum for social self-understanding and political integration.

#### **Recommendation:**

- The Expert Commission recommends that an expert body be set up with the task of investigating whether and, if so, how the Constitution should be amended to meet the requirements of an immigration country and the challenges of social cohesion. In a report, the variants and consequences of possible amendments – with regard to the preamble, state objective provisions, additions to fundamental rights, etc. – should be presented, discussed and, if necessary, formulated as recommendations for the legislature to consider. A model for this could be the federal-state Task Force, which has outlined various aspects and possible legal consequences of an amendment to the Constitution that could enshrine children’s rights in the Constitution (Federal-State Task Force 2019).

## 5.7 Democracy education

*Increasing social polarisation and a variety of anti-democratic attacks by extremist – especially right-wing populist – movements are endangering democracy in Germany. In order to massively reinforce the teaching of democratic values in all areas of education, Germany needs a quality campaign for democracy education.*

### 5.7.1 Democracy education as a response to political and social polarisation

Migration and acculturation research shows very clearly that democracy education plays a significant role in integration success in relation to the integration of all social groups (see e.g. Morales/Giugni 2016). The formula for this is quite simple: People who undergo democracy education and participation are better integrated, less likely to fall prey to misanthropic or anti-democratic orientations and find it easier to get along in democracies. Democracy education is thus not only a key to strengthening and developing democracies further, but also a method for social integration in democracies.

Democracy education, as the engine and custodian of the political community, must face the societal challenges and threats to democracy described in Chapter 3 of this report (“Conflict areas in the immigration society and how they are perceived”) and respond appropriately to changes. It can do this best by creating learning opportunities and opportunity structures that focus on responsibility, participation, discourse capability, representation of interests and political action.

Democracy is not a self-evident asset, but instead the result of educational processes and experience. It is a sign of reflexive maturity. Democracy therefore needs diverse opportunities and places where democratic procedures can be learned, tested and applied. It can only be shaped, maintained and (further) developed through the active involvement of the people in Germany. This involves democracy as a form of rule, as a form of society, and as a form of life (Himmelman 2001; 2002; 2004). Democratic conditions must be constantly renewed at all three levels. This is an ongoing, intergenerational task and challenge for the state, society and education that extends to all areas of life, from daycare centres to school, extracurricular and vocational education, and higher education and adult education. Democracy education is a state task and must remain a state responsibility. Concepts for age-appropriate promotion of democratic competence should be presented throughout all educational phases. Cooperation with a wide range of civil society stakeholders is not only helpful but also indispensable.

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### 5.7.2 Future-oriented education based on a comprehensive concept of democracy

The free democratic order forms the framework for government action and the basis for the coexistence of people in Germany. The accelerated differentiation and pluralisation of our society – not only, but also due to migration and globalisation – makes it absolutely necessary to enable its members to acquire a democratic attitude so that they learn to deal with differences in a peaceful and respectful way (Georgi 2006). After all, an intact pluralistic society is based on the acceptance and appreciation of social and cultural diversity. This also means accepting that democratic coexistence and conflict resolution in everyday life, forms of civic engagement and democratic political structures have to be renegotiated and recalibrated again and again over time and across all generations. Moreover, democracy education has the task of “strengthening the political participation ability of learners in a globalised world on the basis of collective norms and in the sense of future-oriented problem solving” (Action Committee for Education 2020, p. 13).

### 5.7.3 Participatory structures promote integration

Democracy education must be able to explain and reflect on social developments and the political system and thus provide a basic understanding of democracy, its institutions and mechanisms. However, it must also make it possible to experience democracy as a way of life in a variety of ways. In terms of experience-based democracy education, it is important that people in all walks of life – ranging from children in daycare centres to individuals in senior citizens’ associations – experience that they can have a say in matters that affect them, initiate change and take responsibility. Here, feelings of self-efficacy, which are so important for democracy, can be experienced. This capacity for action and self-efficacy of people in Germany must be reinforced by educational institutions that establish opportunity structures for participation and a democratic culture of debate. Above all, children and youth must be addressed more powerfully as subjects, co-creators and participants in society (Working Group for Children and Youth Welfare Services (AGJ) 2017). To achieve this, democracy education must tie in with the diverse lives and experiences of young people (also shaped by migration and flight) and their political articulation (e.g. *Fridays for Future*).

People of all generations and of every origin, ideology and religious affiliation living in Germany should participate in society and politics in the most diverse manner possible. Here, participation must be understood as taking part, sharing in, doing one’s part and taking an interest in the community and in public affairs (cf. Chapter 5.3 and Georgi 2006).

Participation is viewed as a value in itself, because it is through the process of taking part, for example in the form of civil society associations, that citizenship and democratic competence can be developed. Moreover, participation has a positive effect on social, cultural and political integration (cf. Chapter 4.4). Those who participate, have their say and are actively involved in structuring processes feel respected and integrated. At the same time, this gives rise to the ability to recognise others as equals. Democratic participation is therefore an essential resource for the cohesion of pluralistic societies.

### 5.7.4 Learning democracy at school

School is undoubtedly still the socialisation mechanism with the most far-reaching influence. Therefore, education for democracy is an important school task. In 2018, the Standing Conference of the Ministers of Education and Cultural Affairs of the States in the Federal Republic of Germany (KMK) reaffirmed this with its resolution on “Democracy as a goal, object and practice of historical-political education and socialisation in schools”. The next step now ought to be to define overarching goals and educational standards for the field of democracy education so that all states can participate in goal-oriented implementation.

According to the premises of democratic education (Edelstein 2007), it makes sense to combine learning democracy and living democracy. Schools must therefore further develop and test the participation and involvement of all those involved in school in various forms and at the various stages of school life (Himmelmann 2004). Students should learn to preserve and develop democracy as a form of government through enlightened judgement and decision-making. For this, they need spaces in school in which they can experience democracy as a way of life and actively shape it in a community with others (Edelstein 2009). They must also be empowered to engage in a democratic form of society and help shape it through participation and involvement in local and global contexts.

School and teaching must provide a repertoire of learning opportunities and contexts for this purpose. This includes aspects of school, teaching and learning culture, representative forms of participation in school (class representatives, student councils, school constitutions, student parliaments, etc.), grassroots democratic forms of school participation (e.g. class councils) and participation in and during teaching through co-planning, co-shaping and evaluation. Learning democracy should be equally anchored as a school principle, as a cross-curricular teaching principle, and in specialised teaching. However, the necessary impact research in these fields of action is still largely lacking.

### 5.7.5 Democracy education in teacher training

Democracy education in a pluralistic society requires technical and pedagogical professionalism (Pinotek/Rademacher 2019). Teachers must be able to make relevant social issues (such as migration or digitisation) the subject of learning processes in a dialogue with heterogeneous learning groups, and at the same time impart knowledge that offers guidance in an increasingly complex globalised world.

A recent study by the Berlin Institute for the Study of Societies commissioned by the Bertelsmann Foundation (2018) found that schools at the time were not sufficiently fulfilling their role as places for learning democracy. Of the teachers surveyed, just under four per cent said that democracy education was a high priority in their daily school life. For most – namely more than 95 per cent of the respondents – school democracy education, on the other hand, was only of medium importance. At the same time, nearly three-quarters of teachers said that they themselves foster democratic interaction with their students and communicate values such as respect, fairness and equal treatment. Nevertheless, the study shows that there is room for improvement in terms of the participation opportunities for students in German schools. Only 1.3 per cent of teachers used teaching formats that support democracy education. Student parliaments, project weeks with questions about democracy, or a Democracy Day, were an absolute exception in the schools researched.

The study concludes that “democracy and democracy education” are not sufficiently addressed in the education and training of teachers. The content of democracy education is severely under-represented here. Only 16 per cent of the teachers surveyed said they had dealt with the issue intensively during their studies. The figure drops to 13 per cent for trainee teachers, and the topic is highly relevant for only 18 per cent of teachers in advanced training. In view of these figures, it must be asked whether or to what extent the 2018 KMK resolution on “Democracy as a goal, object and practice of historical-political education and socialisation in schools” is currently being implemented at all in everyday school life. At the same time, it becomes clear how important it is to ensure and regularly review whether, to what extent and in what form democracy education is being carried out in German schools. For this reason, the Commission recommends that the federal states monitor democracy at schools on the basis of standards and empirical methods of evaluation.

The question of how democracy can be taught in schools should be given a much higher priority in future in the training of teachers. After all, competent teachers are the central prerequisite for good and sustainable democracy education. The federal states are called upon to expand the

range of training opportunities available to teachers in the course of their studies, in their training programmes and in their advanced education.

#### Recommendations:

In the short or medium term, Germany needs a quality campaign for democracy education. This campaign should include the following aspects:

#### Democracy education as a mandatory component of the education and training of all teachers

- The KMK should formulate standards for democracy education for the first and second phase of teacher training. At teacher training universities, democracy education should be identified as an independent area within educational science and anchored at the centres for teacher training.
- Democracy education should continue to be a mandatory component of integration courses. The fundamentals of democracy and the principles and values laid down in the German Constitution and the European treaties should be part of final examinations.

#### Building a research infrastructure for democracy education

- It is important to generate more empirical knowledge about the effectiveness of current didactic approaches and intervention programmes to promote democratic competencies. Appropriate professorships should be established for this purpose.
- The federal and state governments should establish a programme to test the effectiveness of approaches to democracy education.
- The acquisition of democratic competencies should become a mandatory component of school and curriculum development and of continuous educational monitoring. This includes the participation of all federal states in international comparative studies such as the International Civic and Citizenship Education Study (ICCS).

#### Exchange platform for federal state-specific democracy programmes

- It would be desirable to initiate a cross-state and nationwide exchange for sharing good experiences in the promotion of democratic school development and specific standards. Good practices should be supported, evaluated and disseminated.

### More time for democracy education in school

- In view of the current challenges to democracy, it is absolutely necessary to allocate more time in the syllabus for political-historical education and democracy education at all school levels and in all types of schools, and also to think about how democracy education can be anchored more systematically in the context of all-day schooling. In addition, there is the fundamental question of the quality of political education. Existing teaching-learning approaches that have proven themselves in empirical tests must be implemented nationwide. Regardless of the type of school attended and the federal state in question, all learners must have the opportunity to receive high-quality lessons in the subject of politics.

### Linking democracy learning with issues regarding the immigration society

- In an immigration society, one component of democracy education must be learning about migration and integration processes. Learning about migration and immigration policy should be promoted.

### Developing and evaluating democracy education in orientation courses

- There are hardly any empirically based findings on whether and to what extent orientation courses actually succeed in imparting the democratic competencies they are supposed to teach. For the further development of educational materials and teaching methods in the orientation courses, it would therefore be very important to reinforce evaluation and establish continuous quality assurance and quality development, especially in the field of teaching democratic competence.

### Expanding democracy education in welcome classes for newly immigrated students.

- In 2017-18, Baden-Württemberg became the first state to include “democracy education” as a mandatory subject in the syllabus of welcome classes. The new subject is intended to open up the possibility of “practising basic rights and testing participation and self-efficacy” (Ministry for Education, Youth and Sports Baden-Württemberg 2017, pp. 32f.). The Commission recommends the nationwide introduction of democratic education learning content in welcome classes on the basis of the Baden-Württemberg initiative.

## 5.8 Is the concept of a “migration background” still viable?

*The Expert Commission recommends abandoning the statistical concept of “migration background” that has been used to date in the micro census. This concerns both the designation as such and the definition of the groups that fall into this category. In future, “Immigrants and their (direct) descendants” should be recorded in statistics – i.e. people who either themselves immigrated or both of whose parents immigrated to the region of the present-day Federal Republic after 1950.*

In the course of its work, the Expert Commission has intensively dealt with the statistical concept of “migration background”. Over the past 15 years, this has become a central element in describing migration and integration processes as well as the population structure in Germany as a country of immigration. However, the term “migration background” has always been controversial, and criticism has intensified in recent years. This chapter describes the context in which the concept came into being, its content to date, and the criticisms that have been made of it. Based on this, the vote of the Expert Commission for a restructuring of content and terminology is justified.

The Commission agrees that possible alternatives to the term “migration background” pose new problems as well. In the view of the members, there is no ideal solution in the sense of a universally applicable term. The following ideas were presented:

- › The target group should be described with a term that can also be recognised by non-specialists.
- › The term should not be linguistically exclusionary.
- › The term should include all members of the target group, but exclude non-members (no ambiguousness).
- › The term should not imply an inaccurate attribution of a legal status.
- › The term should allow for the continuation of existing migration, integration and social statistics.

Thus, on the one hand, there are colloquial and political requirements (especially recognisability of the target group, non-exclusion), and on the other hand scientific requirements (especially compatibility with existing reporting systems, as well as precision and reproducibility). These requirements are not completely compatible with each other. The Expert Commission focused on colloquial and political requirements for the most part and there-

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fore recommends the term “immigrants and their (direct) descendants”. Two additional dissenting opinions suggest that retaining the term “migration background” would have advantages for the continuation of statistics (Worbs) and that the term “foreign-born and their descendants” would be clearer in terms of eliminating ambiguousness, as well as with regard to legal implications (Thym).

### 5.8.1 Context and previous content of the concept in the micro census

For decades, changes in Germany’s population structure due to migration have been described in official statistics exclusively with the concept “foreign population”, i.e. on the basis of the number of people without German nationality living in the country (including stateless persons; cf. Chapter 2.4.1 for details). There are numerous analytical and normative problems associated with this approach: Analytical problems arise from the fact that a portion of the immigrants and their descendants is basically not included – namely those with German nationality. Normative problems arise insofar as the (already semantically exclusionary) labelling as “foreigner” is a purely legal attribution; it is not based on the migration experiences and identities of the persons concerned.

In the 1990s, a large number of ethnic re-settlers<sup>202</sup> moved to Germany. In addition, the number of naturalisations increased after a corresponding legal right was introduced in 1993. Since that time, if not earlier, the “foreigner concept” has faced a lot of criticism because it was found to be less than suitable for describing and analysing migration and integration processes. A growing majority of people with German nationality had migration references in their own biography or in that of their parents. This development was intensified by the reform of nationality law on 1 January, 2000, which further simplified naturalisation and at the same time introduced the principle of birthplace (*ius soli*) for children born in Germany to foreigners, subject to certain conditions. Since then, such children have been given German citizenship by birth, provided the parents fulfil certain conditions of residency (cf. BMI/BAMF 2020; Chapter 5.8.2). At the same time, analyses of integration based on the foreigner concept are distorted by selection

effects in naturalisation because persons with a migration background and a German passport are on average significantly better integrated than those with a foreign nationality (Salentin/Wilkening 2003; Schäfer/Brückner 2008). These better integrated individuals “disappear” in the group of Germans; as a result, real integration progress cannot be mapped.

To tackle these problems, the Federal Statistical Office developed the concept of “migration background”<sup>203</sup> as part of the micro census and reported corresponding figures for the first time in the reporting year 2005. The micro census is an official survey conducted annually by the federal and state statistical offices. Members of around one per cent of all households in Germany are surveyed (currently around 830,000 people); the provision of information is mandatory. Representative statements about the population and the labour market in Germany can be derived from this.<sup>204</sup>

The “migration background” is not recorded directly in the micro census, but is formed synthetically on the basis of information on current and any previous nationality or nationalities, naturalisation and country of birth (for a discussion of the problems associated with this, see Chapter 5.8.3). Information on the individuals interviewed in the sample themselves as well as on their parents is taken into account. Accordingly, the currently valid definition is that people have a migration background if “they themselves or at least one parent did not have German nationality by birth” (DESTATIS 2019a, p. 4).

Specifically, this includes:

1. foreign nationals (whether or not they themselves have immigrated);
2. naturalised citizens (also irrespective of whether they themselves have immigrated);
3. (ethnic) re-settlers;
4. persons who have received German nationality through adoption by a German parent;

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202 Members of this group who moved to Germany before 1993 are referred to as ethnic re-settlers.

203 The term had previously been used by the OECD, among others, in the context of the PISA studies (Will 2019, p. 543), but with a slightly different definition.

204 Since the micro census is a sample survey, the results must be extrapolated to the total population. These figures are based on the censuses and the population update that has taken place in the meantime. Currently, the relevant reference point is the 2011 census. As of the reporting year 2017, the migration background is only reported for the population in private households (i.e. no longer for persons in shared accommodations). In addition, it is now consistently recorded according to the definition “in the broader sense.” This means that information on the respondents’ parents is now also collected and used each year, regardless of whether they live in the same household as the respondent. This previously occurred only every four years (2005, 2009, 2013). If information on parents is only taken into account for respondents who also live in a household with their parents, the term “migration background in the narrower sense” is used (cf. DESTATIS 2019a, p. 4).

5. children born with German nationality who are part of any of the four aforementioned groups.

Expellees as a result of World War II, and their descendants, are not included in the population with a migration background in the micro census. The same applies to persons who were born abroad with German nationality and whose parents do not have a migration background.

The Federal Statistical Office distinguishes between persons with a migration background of the first generation (self-immigrants) and all other persons (not self-immigrants, subsequent generations). It does not make any further generational differentiations, which is justified by classification problems (ibid., p. 7f.). The migration background defined in this way is expected to encompass predominantly the first and second generations, and in some cases also the grandchildren and great-grandchildren<sup>205</sup> of immigrants. In principle, no fixed “generation limit” is built into the concept, especially by stipulating that people with a foreign nationality always have a migration background.

### 5.8.2 Importance and application of the concept in the national and international context

The micro census data on migration background has created a new awareness in Germany of “the importance of migration for the state and society” (DESTATIS 2019a, p. 4). This is because, from 2005 onward, it also became statistically clear that a much larger proportion of the population than previously assumed either had migration experiences of their own or had ancestors with such experiences. Data broken down by age in particular illustrates how strongly migration processes already shape Germany’s population structure today: In 2018, more than 40 per cent of children under the age of five in Germany had a migration background, and in some major cities the proportion is well over 50 per cent (cf. Ahyoud et al. 2018, p. 10; DESTATIS 2019a).

The new data basis has also expanded the possibilities for analysis and the perception of problems in science, the public and politics – for example with regard to inequalities between people with and without migration experience and their descendants, which occur both within and between generations. Thus, the micro census data on migration background has become an essential basis for statistical reporting on integration processes. Both the “Integration

Indicator Reports” published by the Federal Government Commissioner for Migration, Refugees and Integration (ISG/WZB 2009; 2011; the third such report is currently being prepared) and the biennial monitoring reports for the federal states (latest: LAG 2019) use this data source for a number of indicators. The Federal Statistical Office itself also publishes a corresponding time series (DESTATIS 2019g). In other areas of social reporting, the category “migration background” is also used as a differentiation criterion, e.g. in the poverty and wealth reports of the federal government (latest: Federal Government 2017a).

The term (*im*)migration background or (*im*)migrant background is also used internationally, but it is generally defined differently here than in Germany. In a recent report on integration, the OECD attributes a migrant background to persons who were either born abroad themselves or have at least one parent born abroad (OECD/EU 2019, p. 295). In the context of the international PISA studies, on the other hand, an “immigrant background” is attributed only to those students who themselves or whose parents both immigrated. Thus, those with only one immigrant parent are not included; however, they are considered separately in the national reports for Germany (Reiss et al. 2019, p. 134). In Austria, as with PISA international, the term “migration background” includes individuals who were either born abroad themselves or both of whose parents were born abroad (Statistical Data, Austria 2018, p. 24). So while there are differences in the details here, the concept of a population born abroad (a foreign-born or immigrant population) is internationally widespread and uniformly defined. This group can be mapped with the German micro census as a subgroup of persons with a migration background, namely as the “persons with their own migration experience.” It comprises the group of people colloquially referred to as the first generation, who were born abroad and who themselves migrated across national borders.

### 5.8.3 Universities

When criticising the (German) concept of “migration background,” a distinction must be made between analytical and normative aspects. Basically, it should be noted that in the current definition of the Federal Statistical Office, the term encompasses a very large population group (over 21 million people in 2019) that is extremely heterogeneous. However, this is just as true of the rest of the population. This diversity relates, for example, to fac-

205 This is the case insofar as the aforementioned definition applies to them. Persons born with German nationality may still have a migration background themselves (via their parents), but may no longer pass it on to their children.



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tors such as age, gender, number of children, employment status and the receipt of benefits, but also to religious and cultural aspects. This does not argue per se against the use of the concept, but it does argue in favour of a reflective application.

A central point of criticism at the **analytical level** is that the definition (implicitly)<sup>206</sup> mixes the category of nationality with the migration experience of individuals. This is understandable against the background of the German legal tradition; however, it obscures the view of central issues. For example, it is not possible to distinguish between the individual generations of immigrants and their descendants, only between the first and subsequent generations. Persons “with a migration background” but without their own migration experience form a conglomerate of people who cannot be further differentiated and whose ancestors’ immigration dates back to different times in the sequence of generations. Thus, sociostructural processes of integration and participation cannot be meaningfully analysed with regard to the descendants of immigrants. Against this background, it seems to make more sense to survey only the migration experience of the respondents themselves and that of their parents in addition to the characteristic of nationality – i.e. to limit oneself to the first and second generations. For the systematic analysis of further generations – which may make sense depending on the interest in the results – household surveys such as the IAB-SOEP migration sample are suitable.<sup>207</sup>

Another point of criticism at the analytical level is the complex construction of the category in the context of the micro census: “Migration background” relies on the linking of data on several persons (respondent, both parents) and on several facts (immigration, current and former nationalities). This is a clear disadvantage compared to easily determinable criteria such as country of birth or current nationality. This increases the risk of inaccuracies due to inaccurate or erroneous answers to the questions. The complexity also means that the concept – despite having the same name – is sometimes defined differently within Germany. For example, in the 2011 census, an influx from

1956 onward was used to determine the migration background – not from 1950<sup>208</sup> onward as in the micro census. The federal states have adopted this for their integration reporting and also only use the definition of migration background in the narrower sense<sup>209</sup> (LAG 2019, p. 9f.). While these differences are not large, inconsistent application further limits the analytical potential of the category.

Finally, integration reporting based on the concept of “migration background” also points out that this concept “per se” does not adequately explain identified inequalities, or else tends to obscure their causes. For example, the first Integration Indicators Report for the Federal Government Commissioner for Migration, Refugees and Integration (ISG/WZB 2009) contained a more detailed analysis section in which multivariate analyses were used to examine whether differences observed between people with and without a migration background – for example in labour force participation – could not (also) be attributed to other factors, e.g. gender or household income. In certain areas of social reporting, such as in the education sector, it is therefore now being considered whether differentiation by migration background should basically be eliminated or replaced by other criteria (see Chapter 4.2).

The **normative criticism** of the concept of “migration background” refers to questions of identity, discrimination and equality. In particular, it is argued that the attribution of a “migration background” does not correspond to the self-perception and self-description of members of the subsequent generations, and especially those with German nationality; however, they have no possibility to escape this “label”. Related to this are other interrelated points of criticism (cf. Supik 2017; Will 2016; 2018; 2019):

- ▶ On a discursive level, the term has not led, as desired, to “migration and its social effects becoming more commonplace and normal” (Will 2018, p. 11). Rather, “migration background” has simply replaced the previous term “foreigner” and taken over its negative connotation of a “supposedly generalised problematic part of the population” (Supik 2017, p. 4).

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206 According to the wording, the current definition only focuses on the question of whether or not German nationality has existed since birth (cf. Chapter 5.8.1). However, the question of immigration and its timing is used, for example, to distinguish expellees from ethnic re-settlers; moreover, the migration criterion is also explicitly taken into account in the presentation of the results.

207 See, for example, the project “The Third Generation” at the German Centre for Integration and Migration Research (DeZIM) (<https://www.dezim-institut.de/das-dezim-institut/abteilung-integration/projekt-die-dritte-generation-ggf-monitoring/> [31.08.2020]), which explicitly aims to establish “a systematic and long-term observation of the third generation, relative to the first and second”.

208 However, this date limit only applies to expellees who arrived in the territory of the present-day Federal Republic of Germany up to 1950 as a result of the Second World War (and their descendants). So far, they have not been included in the category “with a migration background”. This category does, however, include foreigners and naturalised citizens and their respective descendants, if the immigration took place before 1950, even if these are (still) relatively small groups. In order to calculate the numerical impact of the new proposal of the Expert Commission, the date limit for all groups was set uniformly at 1950; see Chapter 5.8.4.

209 See footnote 204.

- 】 The term makes “being German with a non-ethnic connotation” (Will 2018, p. 12) more difficult, among other things because DESTATIS publications sometimes include “Germans without a migration background” as a counter-category and publications on migration background are classified in Subject-Matter Series 2 “Foreign Population.” In addition, German migration history before 1950 remains invisible, because expellees and their descendants do not have a migration background by definition.
- 】 Subjective attributions of people by themselves and others are not taken into account. As a positive example, reference is often made to the British census, which offers corresponding possibilities for self-assignment such as “English/Welsh/Scottish/Northern Irish/Black Caribbean/Black African”, etc.
- 】 Data differentiated by migration background would not help to make exclusion and racist discrimination visible. This is because such exclusion and discrimination can also affect people without a migration background who have non-white skin colour, for example; conversely, it is possible that people with a migration background are not affected here because they are perceived as “white” and belonging (Ahyoud et al. 2018; Schneider et al. 2019). As a solution, it is suggested that anti-discrimination and equality data (ADGD) be collected, which also takes into account other characteristics such as age, disability, sexual identity, or religion in an intersectional approach.

With regard to anti-discrimination and equality data (cf. Chapter 4.5.1), the Expert Commission obtained an expert opinion and held a hearing as part of the plenary session on 18 September, 2019 (cf. Chapters 8.5 and 8.6 in this report). Here, it was suggested, among other things, that instead of the characteristic “migration background” or at least as a supplement to it, (ethnic) self-categorisations and external perceptions should be queried and experiences of discrimination should be surveyed in connection with this. The following should be noted in this regard: “Migration background” as an overarching category is indeed not suitable for mapping experiences of discrimination and unequal treatment. However, this was never the intent and purpose of this category. From a methodological point of view, it seems doubtful that the survey of self- and external categorisations will lead any further in this respect, as this involves considerable selection and classification

problems, which can lead to an over- or underestimation of the phenomenon of discrimination. Also, observed statistical differences between different groups are not in themselves indicative of discrimination, nor do they provide information about the characteristics of a group. Discrimination and inequality can only be meaningfully analysed with research designs suitable for this purpose. This undoubtedly requires that further data be collected in addition to the characteristic of “migration background,” e.g. attitudes in the population toward certain national, ethnic and religious minorities as well as subjective experiences of discrimination, possibly in conjunction with structural data on labour market integration, for example.

The survey of ethnic characteristics is a subject of controversy in migration and integration research and is quite common in a number of countries. From a normative point of view, however, it is much more problematic than the survey of a “migration background,” however defined, because it is easy to draw false statistical conclusions from such a survey about the characteristics of ethnic minorities. This is true even if such characteristics are collected on a “voluntary” basis. Members of minorities who do not participate in such surveys also bear the consequences. Partly because of such considerations – and the historical burden from the National Socialist era – there is hardly any official and administrative data in Germany that differentiates by ethnicity.<sup>210</sup>

In principle, the category of “migration background” can also be used to attribute certain characteristics to the people described in this way, either as a whole or in individual groups, which in turn contributes to the formation of prejudices and to discrimination. However, this can only be countered by using adequate methods of analysis if the essential potential of information and analysis is not to be dispensed with. Precisely because of the susceptibility to misuse, however, it makes sense to collect data sparingly, for example with regard to the number of generations to be included.

#### 5.8.4 Position of the Expert Commission

The Expert Commission has carefully weighed the facts and arguments presented so far and considered possible alternatives to the category “migration background”, based, among other things, on calculations carried out by the Federal

210 An exception is, for example, the statistics on asylum seekers, because here ethnicity can be a persecution-relevant characteristic. Cf. BAMF 2019a, p. 27.

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Statistical Office on its behalf.<sup>211</sup> As a result of these deliberations, the majority<sup>212</sup> of members decided to propose a new definition in terms of content and a new name for the groups of people it includes. This proposal reads:

**In future, only persons who either immigrated themselves or whose parents both immigrated to the present region of the Federal Republic since 1950 are to be recorded in the micro census. They must be reported separately – as has been the case up to now with the categories “with and without their own migration experience” – in order to take account of the fact that they deal with different problem situations. Unlike before, however, the collective term “migration background” shall no longer be used in order to avoid stigmatisation. If both groups are meant, “immigrants and their (direct) descendants” is proposed instead as a collective term.**

**In addition, differentiation by nationality (German / non-German) should continue to be possible; however, this criterion is no longer constitutive for the definition of “immigrants and their (direct) descendants”.**

This proposal dissociates migration and nationality and thus addresses a conceptual weakness of the previous definition of “migration background.” At the same time, the group of “immigrants and their (direct) descendants” is clearly limited to the first and second generations, whereas up to now members of different subsequent generations have merged in the category of “persons with a migration background, but without their own migration experience”. This strengthens the analytical potential of the concept.

At the same time, the Expert Commission recognises the importance of the formal legal category of (current) nationality, which should continue to be surveyed. As a result of immigration law and the still relatively restrictive nationality law, there will be a large group of foreign nationals in Germany for the foreseeable future. This status seems to be coupled with other characteristics that have a considerable influence on integration success (cf. Schäfer/Brückner 2008). For this reason, it should continue to be surveyed and reported.

With regard to **temporal delimitation**, the Commission’s proposal follows the current course of action as part of the micro census, but modifies it in one important respect: The “date limit” of 1950 should now apply without restric-

tion, i.e. no longer only to expellees and their descendants. The inclusion of migration experiences should no longer differ according to whether they concern Germans or foreign nationals. This improves the coherence and comprehensibility of the definition.

Another modification concerns the restriction to persons whose parents **both** immigrated to Germany. Up to now, the definition has also included persons with a so-called one-sided migration background, i.e. where only one parent immigrated or was naturalised. This very broad definition seems questionable. Ideally, it can be assumed that a person born and raised in Germany has cultural and social capital that greatly facilitates their offspring’s integration into the education system, for example, and which immigrant parents do not readily possess, such as German language skills and knowledge about the structure and functioning of the German education system. People born and raised in Germany are also on average in a better economic position than those born abroad, so they can provide more resources in this area as well. In line with these assumptions, findings from educational research (for Germany, for example: Henschel et al. 2019, p. 331) show that students with only one immigrant parent generally perform between those without an immigrant background and those with a “two-sided” immigrant background, and somewhat closer to the former. The Expert Commission is therefore in favour of only counting those people as part of the migrant population who have either immigrated themselves or for whom this applies to both parents. If only one parent has immigrated, it can be assumed that the realities of life are less strongly influenced by migration.

According to calculations by the Federal Statistical Office, the **new definition** would result in a figure of 18.1 million “immigrants and their (direct) descendants”<sup>213</sup> in Germany for the year 2018 – i.e. around 2.7 million persons or 13 per cent less than the previous figure of 20.8 million people. From today’s perspective, it would not be necessary to (legally) modify the characteristics collected in the micro census in order to implement the new definition – which does not rule out the possibility that the type of survey could still be optimised. If the Expert Commission’s proposal for a new definition and renaming of “migration background” meets with a positive response, it will be happy to provide technical support for the implementation of the proposal. It is also advisable to evaluate the medium and long-term effects of a changeover with the help of further expertise.

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211 We would like to take this opportunity to thank Anja Petschel and Jan Eberle from the Federal Statistical Office (demography, households and families, migration and integration, labour market) for their cooperation.

212 See the dissenting opinions of the Commission members Barbara John, Daniel Thym and Susanne Worbs presented after this chapter.

213 See also Petschel and Will (2020), who present various calculation models.

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## Dissenting opinion by Barbara John

### Basic information:

Concepts that express belonging – such as membership, family names, nationality – are significant for the coexistence of people, in small as well as in large social groups. This is all the more true for societies with a distinct cultural diversity.

Nevertheless, after decades of a high rate of immigration, the Federal Statistical Office, for reasons that were acceptable at the time, sought and found a conceptual and substantive approach that seemed suitable for separating the overall population in Germany statistically according to a new category, namely into persons “with and without a migration background.” The goal was to make socio-economic inequalities measurable and publicly visible in order to be able to take targeted support measures and thereby minimise inequalities, especially in the education system and in the labour market. At the same time, this differentiation has inadvertently made it possible to openly state a presumption that can be roughly phrased as: this (growing) population group is somehow different from the residents here or the “bio/real Germans.”

Thus, this frame has now taken on a complete life of its own. But after 65 years of integration experience and immigration and naturalisation policies, it is time to abandon it and replace it with a concept that clearly expresses the shared identity of the overall population as a whole.

### Proposal:

**The total population in Germany should no longer be categorically divided into persons without and with a “migration background”. Therefore, in future, only persons who have actually immigrated themselves will be statistically recorded as “immigrated” in the micro census (previously: “persons with their own migration experience”). Their direct descendants will not be assigned to this category or will no longer be shown as a separate group (as has been the case in the micro census to date and as the Commission majority also proposes). Otherwise, only nationality will be recorded.**

### Justification:

1. Germany is a major immigration country. Here, priority is now given to the issues of belonging and togetherness. Belonging is reflected, among other things, in the willingness to naturalise. Since 2000, children born in Germany to non-German parents with a firmly established residency status can also obtain German nationality. The *ius soliregulationis* also consolidates the assumption that naturalisa-

tion generally promotes integration and creates a sense of belonging, especially with regard to self-perception and the perception by others. Numerous studies have shown that immigrants with German nationality are better integrated than similar persons with foreign nationality.

2. I assume that the term “migration background” will continue to be used for some time to come – in the media, in social discourse and also in academics. Moreover, the insights gained with the help of this concept could serve as a basis for new support measures in both quantitative and qualitative terms. Nevertheless, I hope that the old definition will become less important as new criteria are formed for the educational needs of target groups that are more plausible and precise than the general category “migration background” could ever be. For example, it is already common practice in daycare centres and schools to use the family language or the category “German as a second language (DaZ) learners” as criteria for possible educational needs (cf. Chapters 4.2.2.3 and 4.2.2.4), while in the labour market school-leaving qualifications or vocational qualifications are used as a basis.
3. If socio-economic disadvantages are not limited to immigrants and their descendants, but are recorded more broadly, it becomes apparent that they also affect persons without a “migration background”. Thus, they are not a typical feature of immigrants or migrants. Rather, it is primarily a question of family resources and social networks that determines whether a student passes their A-levels or completes the secondary education or school leaving examination – rather than some unspecified immigration experience as a general category.
4. Moreover, it would also be misleading if the concept of “migration background” or “immigrated” were to be retained permanently: The proportion of the population with a “migration background” is rising inexorably – even with zero immigration – partly because of the age-related death rate of people without a “migration background”. This shifts the numerical ratio of the two population groups towards each other. Continuously rising immigration is reinforcing this development. If Germany does not now equate immigrants with German nationality and their direct descendants with Germans without a “migration background” or non-immigrants, and even classifies them in a contradictory manner conceptually, it thereby fosters a rightist discourse under the heading “Fewer and fewer Germans, more and more immigrants.”
5. As Anne-Kathrin Will has pointed out (2016), the following questions need to be posed: Why should descendants of immigrants be portrayed differently than “Germans without an immigrant background”? “All persons with German

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nationality, whether descendants of immigrants or not, belong to the German nation. This would remove doubts about their belonging and would also symbolically clarify this belonging, because a person is German if they have German nationality; German law does not recognise any other distinguishing criteria. It does not matter whether someone is a 'native German', a 'status German' or a 'naturalised German' or a descendant of one of these groups. As soon as this is of concern, the ethical component of classification becomes visible and also what is problematic – and possibly paradoxical – about it: Legally, there are no distinctions; but if distinctions are made in a statistic, they also manifest themselves in political discourse and social practices” (ibid., p. 21). This is currently the case.

6. Once a person is assigned to the “migration background/immigration” category, this has a lifelong effect. In 2019, 11.1 million German nationals with an attributed “migration background” lived in Germany. There is no escape from this statistical assignment. The geriatric nurse or lawyer with German nationality whose mother immigrated to Germany in the 1970s is permanently listed statistically as a person with a “migration background” – thus, otherness becomes an indelible personal characteristic by state decree.

#### Dissenting opinion by Susanne Worbs

In principle, I agree with the majority vote of the Expert Commission to switch the micro census registration of people to purely migration-related criteria (and to continue to survey nationality in addition). However, in my view, there would have been good reasons to either (1) retain the term “migration background” even with the proposed amended definition; or (2) call the alternative concept not “immigrants and their (direct) descendants” but “persons with their own migration experience and their (direct) descendants.” Here is how I justify this.

Regarding (1):

Here, first of all, I would like to point out that it is not without a certain irony that the term “migration background” is being abolished at the very moment when the term would now actually fit the newly proposed *definition* – i.e. the content of the concept. This congruence did not exist before.

A second, more essential argument has to do with the question of the discursive connectivity of terms. The term

“migration background” – despite all the criticism – has been established in Germany for 15 years, and its origins in the PISA studies go back even further. Politicians, administrators, academics and journalists work with it, as do statistical offices at all governmental and administrative levels. Municipal statistics agencies have invested considerable effort in implementing the concept in population registers; federal, state and local governments have built reporting systems on integration based on the concept. It is true that a uniform concept of “migration background” is not always used. Nevertheless, it must be explained to all of these institutions why the Expert Commission now advocates a modified definition and, in addition, an abolition of the term, as these policies this will require a considerable effort in terms of conversions and explanations if they are implemented. While it can also be argued the other way around that “new wine in old wineskin” (i.e. the same term for changed content) is problematic, I consider this to be the lesser evil – that the content of statistical categories changes over time is nothing entirely unusual.

Those who propose the discontinuation of the use of the term “migration background” essentially justify this with the stigmatisation/exclusion potential and the fact that the persons concerned cannot “get rid” of the description (unlike, for example, the status as a foreigner). Unfortunately, there is always the danger that statistical categories will be charged with a negative connotation in discourse. In my view, it is an inevitable side effect of the attempt to form categories of people that can be distinguished from one another for the description and analysis of social processes and structures. If this attempt is abandoned in favour of arbitrary self-categorisation, a modern, highly complex society deprives itself of an essential basis for information and political action.

Third, and related to the second argument, I believe that in purely practical terms, it will be difficult to replace a term in discourse with a “paraphrasing” composed of multiple words, and that “migration background” will continue to lead an informal life of its own even if it ceases to appear in official statistics. Instead of the approach of avoiding the term, which seems somewhat helpless in my eyes, one could try something that Hans Vorländer has suggested several times, namely, to “discursively direct it in a positive direction” – away from linking it to deficits and problems and more towards it being an asset.<sup>214</sup> Of course, this would be difficult to implement, but I would like to include it as an alternative thought.

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214 To illustrate this with an example: In a study on Russian Germans (Kiel 2009), the phrase “Germans with a Russian sheen” is used as an expression indicating a positive and self-confident attitude about one’s own “migration background.” The term “Plusdeutsche (plus Germans)” proposed by Plamper (2019) can be interpreted in a similar way.

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Regarding (2):

Here, too, the argument of connectivity applies in relation to an existing concept in the context of the micro census (“persons with their own migration experience” are already reported). The counterargument to this is that there is a risk of confusion or that the concept is too close to the previous one, since only experts can tell the difference between “migration background” and “migration experience” in the first place. However, I see the closest possible proximity to familiar concepts as an advantage, especially from the point of view of mediation in practice.

The term “immigrant” seems problematic to me because it indiscriminately implies “immigration” for every person who crosses German borders, which suggests a certain permanence/consolidation of residence. However, this is by no means a given in all cases (cf. in more detail the dissenting opinion of Daniel Thym). The term “migration experience” would be more neutral in this respect and would better express the idea that it encompasses different types of migration to Germany – and for different lengths of time.

#### **Dissenting opinion by Daniel Thym**

regarding the concept of migration background (Chapter 5.8 and core message no. 3)

I support the decision of the Expert Commission to designate the Federal Republic as a “country of immigration”. Germany must learn to pursue a future-oriented immigration policy that goes hand in hand with an open self-understanding (Chapters 5.2 to 5.4). I have worked extensively on the relevant chapters. I also understand the decision to detach the concept of “migration background” from its current focus on the nationality by birth of the persons concerned and their parents (chap. 5.8). For five reasons, however, I do not agree with the majority decision to refer to “immigrants and their (direct) descendants” instead.

1. Not every person who changes their place of residence to a “country of immigration” automatically becomes an “immigrant”. Even a cursory look at migration statistics shows that migration is often a temporary process - i.e. many people stay only temporarily. In 2019, more than 1.5 million people moved to Germany, while at the same time more than 1.2 million people left the country again. In the vast majority of cases, this happens voluntarily. Especially within the European Union, cross-border mobility processes are often temporary in nature. To declare all these people “immigrants” overplays the frequently transnational character of the migration activity. Classical immigration countries such as the United States therefore traditionally distinguish between “immigrants” (for example, with a Green Card) and “non-immigrants” (with other visas) to mark the fact that not every stay necessarily constitutes immigration. This is not to say that U.S. categories can be transposed. Migration decisions can change over time, and it is not always clear whether a person is immigrating or not. However, this lack of conceptual precision does not change the fact that it is too simplistic to call all people who shift their residence to Germany “immigrants.”

2. I expressly do not advocate short-circuiting the concept of immigration to specific groups. Skilled workers can immigrate just as much as members of their families who join them, or refugees with a positive asylum decision, or foreign students. In this respect, the Skilled Workers Immigration Act passed by the parliament deals with only a part of the migration situation. In general, one should speak of “immigration” as soon as there is a legal prospect and a person intends, in principle, to stay. In legal terms, this presupposes that residency is likely to be consolidated up to the point of naturalisation. In the case of skilled workers and family members, this will be the case more quickly than in the case of humanitarian immigration. In principle, however, everyone is capable of immigrating. Even rejected asylum seekers who are obliged to leave the country can become immigrants if their stay is legalised in accordance with the legal regulations and they are integrated as permanent residents. However, these are only approximations, as there is no need to define a concept of immigration with legal precision as long as there is agreement in principle that it is not advisable to refer to all non-Germans as “immigrants” in a generalised manner.

3. The drawbacks of an overly broad concept of immigration are particularly pronounced with regard to people whose asylum applications have been rejected or who are obliged to leave the country for other reasons. In these cases, the concept of immigration can mask the need to control and even limit migration through tough measures. Being a “country of immigration” does not mean that everyone should come or be allowed to stay. The difficulties and conflicting goals that go hand in hand with this primarily concern the right of asylum, with regard to which the final version of the report has found a balanced approach (especially Chapters 2.3, 3.9 and 4.9). I support the statements made there. However, I do not agree with the first paragraph of core message no. 3, where the humanitarian objective of asylum policy is emphasised unilaterally and reinforced by an empathetic commitment. I share this commitment, but consider it equally important to prominently emphasise the need for a regulating constitution of asylum policy as well. As an alternative formulation, which was reject-

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ed by majority vote, I had proposed: “Asylum policy and the integration of persons seeking protection in Germany pursue humanitarian goals in accordance with the basic right to asylum and the European harmonisation directives. At the same time, policy makers must ensure that mixed migrations of persons with and without a need for protection do not lead to large-scale immigration via the asylum system of persons without a realistic chance of recognition.”

4. There are convincing alternatives to the term “migration background” that avoid the content-related overhang of the wording of “immigrants and their (direct) descendants”. For example, one could have used the semantic openness of the term “immigration” to also designate those who do not “immigrate” due to their own preferences or legal requirements. The fact that this solution was rejected by majority vote was also due to the fact that individual Commission members associate the term “immigration” with the integration policies of the past two decades, which they would like to change. I do not share this assessment. In line with the final report, the commitment to the “country of immigration” should be accompanied by a substantive openness as to how to normatively realign the rules for access and self-understanding (Chapters 5.2 to 5.4). A pragmatic use of “immigration” as a generic term for permanent “immigration” and other forms of temporary mobility would have reinforced these statements.
5. It is true that the term “migration background” has sometimes had an exclusionary effect in public discourse that can undermine the claim of all Germans to equal citizenship. However, the solution found is likely to confront the same problem – to the extent that it is at all possible to convince public discourse to replace the succinct term “migration background” with the complex wording of “immigrants and their (direct) descendants”. Susanne Worbs vividly describes the problems related to this. The new wording could very quickly develop the same exaggerated and potentially exclusionary levels of meaning as migration background has had up to now. The majority of the Commission encourages this even more through the broad reference to “direct” descendants because, first, this restriction is placed in parentheses, and second, contrary to the report, it is not limited to the children in a legal and general linguistic sense but, as an open formulation, includes at least the third generation. It would have been much more elegant to speak of “foreign-born persons and their children” in line with international statistics. This would not only have circumvented the difficulties of the immigration concept but, moreover, would already have made clear linguistically that migration-specific attributions are ideally a temporary phenomenon and that they no longer affect the third or fourth generation.

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## 6 Outlook

Germany is country of immigration. Policy makers and all people in this society, irrespective of how long they have lived here, can together ensure that the enrichment associated with diversity is embraced and that challenges are proactively addressed.

This report by the Expert Commission on the Framework Conditions for Integration Potential will be forwarded to the German parliament via the federal government, as stipulated in the coalition agreement. The Expert Commission would like to put on record its expectation that the report and the recommendations contained therein will be discussed in the competent bodies of the German parliament and the federal government and taken into account in new regulations. State institutions and civil society organisations that deal extensively with integration issues should also be consulted here.

Political and social attitudes towards the complete range of topics relating to migration and integration, as well as towards immigrants and those seeking protection, are influenced enormously by current events. The Expert Commission has endeavoured to keep the report and its topics on as broad a level as possible and thus independent of current events – with the aim of preparing Germany for a multitude of challenges relating to all facets of integration. Nevertheless, new points of emphasis may surface before the report is published and continue to surface in the following months - i.e. in cases where the report fails to provide a complete answer because the new points of emphasis could not be foreseen, or could only be foreseen in part.

One example involves the challenges posed by the COVID-19 pandemic, which appeared during the final phase of the Expert Commission's deliberations and whose integration challenges will only reveal their impact over time. Even if a vaccine becomes available sooner than anticipated, the pandemic will cause a deep rupture for integration, including labour market integration. At the beginning of

2021, significant economic problems are to be expected in various sectors, for example in the hotel and catering industry, which is so important for immigrants. However, in many other areas, such as integration in schools and social integration, there is also the danger that the considerable progress that has been made in recent years could at least be partially undone. It is therefore important not to hastily scale down integration efforts and the resources available for this purpose.

This also applies to forced migration, as the current low number of new arrivals may increase again in future. The present phase should be used, among other things, to invest in the integration (especially further training) of people who have been based in Germany for a long time. At the same time, conditions should be created that make it possible to react as quickly and as well as possible to future changes in migration patterns.

The members of the Expert Commission who have drafted and written the report over the past two years are happy to continue to provide support for this process and are available to answer questions during the consultation process.



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## 7 Dissenting opinions

### 7.1 Dissenting opinion by Stefan Löwl

The Expert Commission was appointed by the federal government in 2019 with the mandate<sup>215</sup> of

*“compiling short to medium-term recommendations on key integration policy issues. The Expert Commission is expected to propose standards that will further improve integration measures and policies and make it possible to create sustainable structures – both in administrative action and in legislation. In doing so, the Expert Commission is to take into account ongoing migration activity, the outlook in terms of new immigration and the concerns of people with a migration background who have already lived in Germany for a long period of time, as well as the receptiveness and willingness of our society as a whole to accept new immigrants.”*

In my opinion, the Expert Commission has extensively, but unfortunately not fully, dealt with the task set for it. From the outset, the majority of the Expert Commission members did not want to deal with specific questions of control, in particular the limitation of immigration, although the Expert Commission was set up in explicit connection with the discussion about the “upper limit”. Specifically, the coalition agreement states the following:<sup>216</sup>

*“With reference to the average immigration numbers, the experience of the last twenty years, and with a view to the agreed measures and the directly controllable part of immigration – the fundamental right to asylum and the Geneva Refugee Convention remain untouched – we state that the immigration figures (including war refugees, persons entitled to temporary protection, family migrants,*

*relocations, resettlements, minus repatriations and voluntary departures of future refugees and excluding labour force migration) will not exceed the range of 180,000 to 220,000 per year. The following package of measures also serves this purpose. An Expert Commission of the federal government is to be set up to deal with the framework conditions for integration potential and to submit a corresponding report to the German parliament.”*

The Expert Commission decided right at the beginning not to deal with the issues of the upper limit and immigration control. I could and can support this decision, since such fundamental political policies and decisions cannot be “passed on” to any expert commission. However, in order to be able to solve this elementary question politically, politicians and government officials need advice and assessments regarding the options (for action) that they have (see the Expert Commission on Causes of Flight that was set up in parallel) and what actual/objective limitations they are subject to. It is therefore not only a question of the (political) will to do something specific, but especially also of the (currently existing) capabilities to implement this and, if necessary, specific plans to establish capacities to be able to do what is intended (later).

The question of integration potential is undoubtedly multi-layered and can neither be discussed in purely technical and resource-related terms, nor solely in moral, social or legal terms. In a democracy, which always requires majorities for political action, broad acceptance among the people who already live in Germany (“host society”) is just as important as the social, economic and societal contribution of those people who (want to) come to Germany permanently. To me, therefore, the question of integration

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215 [https://www.bmi.bund.de/SharedDocs/faqs/DE/themen/gesellschaft-integration/integration/fk-integrationsfaehigkeit/fk-integrationsfaehigkeit-faq-liste.html;jsessionid=6B43595F0D3D3079A5CC4ECA7EDE79C0.1\\_cid364](https://www.bmi.bund.de/SharedDocs/faqs/DE/themen/gesellschaft-integration/integration/fk-integrationsfaehigkeit/fk-integrationsfaehigkeit-faq-liste.html;jsessionid=6B43595F0D3D3079A5CC4ECA7EDE79C0.1_cid364) [18.11.2020].

216 Coalition agreement Marginal no. 4799 et seq.; <https://www.bundesregierung.de/resource/blob/975226/847984/5b8bc23590d4cb2892b31c987ad-672b7/2018-03-14-koalitionsvertrag-data.pdf?download=1> [18.11.2020].

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potential is not just about a factual, resource-dependent capacity, but also about acceptance and the definition of clear rights and obligations for all those involved.

As a person with experience in municipal government, I have focussed my work in the Expert Commission on existing and future challenges at the municipal level. The importance of the municipal level for all aspects of successful integration is defined as elementary in the coalition agreement (*"We are proud of the integrative capacity of our country, especially of the diverse voluntary commitment in the cities and municipalities."*) as well as by the Expert Commission (*"All municipal levels – cities, communities and districts – can decisively influence the social and political framework conditions for integration ..."*; Chapter 4.7.1.1). The coalition agreement specifies the following:

*"Integration potential is not only measured by how successfully immigrants are received and integrated into society; rather, it also includes our objective of taking into account the living conditions of the people living here, especially in view of the immigration to be managed (e.g. provision of daycare centres, schools, housing)."*

Unfortunately, with regard to the last point in particular, the report of the Expert Commission does not go beyond important yet generalised statements in most cases (e.g. on the financial resources of the municipalities, on data exchange, on the merging of functions and powers, etc.) or beyond planning ideals or wishes (on the focus of urban development, on municipal politicians as "drivers" of integration, on capacity expansion for psychosocial care or on the decentralised accommodation of persons seeking protection; cf. Chapter 4.6), even as very specific recommendations are made in other subject areas. Similarly, there is a lack of statements on what should be done until the goals are achieved or what the consequences must be for migration policy if the proposed preconditions for successful integration are not available or not yet available – for whatever reasons.

Many of the "integration problems" discussed will also not occur if sufficient resources are available or if migrants are not dependent on the host society and its state structures. The same applies to groups of people who are willing to adapt to the local living conditions to the greatest extent possible. "Integration difficulties" – if at all – exist in these cases because of prejudice-related hostility that is clearly condemnable from a general social and political point of view, as discussed in detail in the report (cf. recommendations in Chapter 4.8 and, of course, Chapters 3.4 and 4.5).

The essential "integration problems" dominating social and political discourse in the sense of the statements

in the coalition agreement are, of course, to be found especially where there is a competitive relationship – demonstrable or "perceptible" in the population – between "present residents" (including people who migrated earlier, often other migrant groups as well) and "newly arrived immigrants". This is true at least from the perspective of Germany's fast growing regions – and even in terms of internal migration within Germany. Therefore, at least those "migration problems" specifically mentioned in the coalition agreement do not arise from the arrival of non-German migrants. Rather, the debate about an "upper limit" is a serious indication of a competition for resources, i.e. a de facto supply shortage. The report takes account of this in several places (especially in Chapter 3.8; e.g. *"... there is a need for forward-looking planning in the areas of education, work and housing that is transparent both within administrations and for the population."*), and it also makes the aforementioned recommendations as to what needs to be selectively improved, upgraded and strengthened. However, it gives hardly any indication of how to deal with resource conflicts that cannot be resolved or that currently exist – and whether these may have an impact on Germany's integration potential in the sense of immigration control.

As a local decision maker especially, I am not satisfied with the repeated reference to evidence-based relevance. This is also true because political attention is not focused on statistical averages but rather on individual cases that are not covered by evidence-based studies, which often refer to the statistical average. An empirical approach falls short here in two ways. First, it does not correspond to personal perception – and this probably also applies to all management levels downstream from normal case processing – since the majority of cases to be processed and decided upon do not correspond to the (unproblematic) "normal case" but instead to the (special) "individual case". This results in quite different, experience-based pertinent factors, which influence political processes in real terms even if they are not underpinned by scientific evidence. On the other hand, we (local) decision makers are forced to make an appropriate, humane, economically viable and at the same time lawful decision for all cases (100%) that can be implemented with existing local resources. The statements and recommendations already quoted for this conflict area in the present report (especially in Chapter 4.7 regarding the merging of power/responsibilities, the financial resources of the municipalities and integration as a mandatory municipal task) are certainly correct and important. However, with the exception of the first recommendation in Chapter 8.8.2 (*"The allocation formula at the federal and state levels must take into account the extent to which a subsequent supply of housing is guaranteed in municipalities with strained housing markets."*), there is no statement or corresponding recommendation on how to deal specif-

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ically with the deficits identified in the report that exist at the present time and which will continue to exist until the measures/changes implemented on the basis of our general recommendations take effect – if such implementation occurs at all. Particularly in view of the very detailed statements and recommendations in other subject areas, municipal decision makers would have expected much more specific statements and recommendations regarding the specific challenges they face on a daily basis.

I therefore hope that, in order to implement the recommendations of the report of this Expert Commission and deal with the unresolved aspects, another expert commission consisting of practitioners and stakeholders who are involved on a daily basis will be set up to address the numerous actual implementation problems that remain overlooked by this Expert Commission as individual issues with merely “anecdotal evidence”.

## 7.2 Dissenting opinion by Barbara John

With the decision to no longer postulate and demand integration as a obligation on the part of immigrants, the Expert Commission has made a long overdue paradigm shift. According to the new understanding, integration requires the efforts of all and can “only succeed [...] if participation is also combined with the duty to actively contribute to the community of solidarity”.

After this introduction, was it not to be expected that this new concept would shape the content of the report and clarify and specify the future direction of the understanding and action of integration? Nevertheless, in several chapters, core messages and in the recommendations at large, the concept of an obligation is retained and attributed to the state. There is certainly a great responsibility here, but not in the sense that lack of advancement in the workplace and society is fundamentally caused by discrimination and racism and can be compensated or made up for by funding programmes. How exactly integration is shaped by the interaction of political interventions, personal aspirations, and societal structures remains unclear. This makes it all the more important not to juxtapose immigrants and non-immigrants as groups with opposing interests and needs, but to perceive and emphasise their common concerns and responsibilities in living together. In my view, this includes a common interest in internal security in Germany and in an efficient and functioning welfare state that protects people from existential life risks. Both can only be guaranteed if everyone actively contributes and the shared responsibility becomes clear. I see shortcomings in the core statements and chapters on these topics.

## 1. Safety and crime

In Chapter 3.5 (“Facets of criminality in the context of migration”), crime is mentioned as a “central field of conflict” but it is not presented as a field of action with a common understanding – on the contrary. The police criminal statistics (PKS), which certainly make a significant contribution to the fight against crime, are fundamentally criticised as an ambiguous tool, since only suspects are registered. For this reason, the claim is made that the PKS cannot be used to make clear statements about crime in the context of immigration. The common thread in this chapter is to protect the immigrant population from sweeping prejudices, and not to protect society from crime. However, it is indispensable for the vast majority of people who are law-abiding that a maximum level of security be ensured with the help of the state. And if certain groups of offenders, such as the high number of young male asylum seekers, are found to have a higher crime rate, this does not have to be brushed aside with explanations and trivialised. The point is not to pillory people (as the AfD prefers to do), but to improve the situation. Immigrants and non-immigrants agree on this point.

### Further points of dissent relating to the chapter “Facets of criminality in the context of migration”:

- ▶ No legislative majority has yet to be found that would call upon the federal government to provide evidence of whether and which checks and security procedures performed for immigrants and asylum seekers prior to entry are part of the immigration system. How are people supposed to be able to trust the entry policy if security measures are not made transparent, or if it has to be admitted that such measures do not exist or hardly exist and that better solutions are necessary?
- ▶ Alongside traditional crime, white-collar crime is a growing threat to Germany as a business location, with major implications for internal security. Yet the report pays no attention to this topic. The issue in particular involves money laundering in connection with drug trafficking and real estate acquisitions, which often serve as a foundation for further crimes such as terrorism. Money laundering attracts internationally active Germans and foreigners alike on a large scale, especially because the relevant monitoring institutions are clearly too weak. In expert circles, Germany is considered “the only country besides Spain where all known criminal associations are active” (Transparency International 2018 and Trade Journal 2019). In October 2019, the German Federal Ministry of Finance (BMF) published, for the first time, a risk analysis on money laundering and terrorist financing (see BMF 2019) with general indications of the threat to inter-

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nal security, but largely without reference to Germany's situation as a globally significant immigration country. There is an urgent need for further research in this area and networking between the relevant authorities.

## 2. Welfare state and migration

The extensive additions in Chapter 4.3.3 on the subject of migration and the welfare state underpin my suggestion that more space be given in the report to the subject of the welfare state and the community of solidarity. There are good reasons for this. If there is one social concept in Germany that is permanently under sharp scrutiny by those who contribute to it, it is the welfare system. Who contributes to it, who doesn't, and what are its future prospects? This is not infrequently reflected by fears of migration into the welfare system expressed in a tone of indignation (Köcher 2018). When it comes to the question of society's integration potential, this issue cannot be avoided. After all, 90 per cent of the population is fully integrated into the social welfare systems. All immigrants who cannot initially earn a living are also part of this. It would be surprising if no attention was paid – in the sense of indifference – especially among contributing members, to whether and how these systems are developing under the conditions in Germany, the world's second largest country of immigration. Will social security remain future-proof, even if larger groups of immigrants participate in it but do not contribute to it for a long time or at all? Such questions express the fear that the statutory social security and welfare systems in Germany could be overburdened by immigration.

From the numerous national and international studies and empirical findings cited in the report, no clear picture emerges of whether immigration has a positive or negative impact on the welfare state. This is due to the different basic assumptions and observation perspectives. What is confirmed, however, is the expected assumption that the opportunities and risks depend on the level of education of immigrants and their professional qualifications as prerequisites for rapid integration into the labour market. At the same time, empirical research explains why a broad majority (77 per cent) in Germany also support the Skilled Workers' Immigration Act, i.e. controlled immigration directly into the labour market. After all, whether the nurse, the doctor or the plumber is recognisably part of a visible minority does not usually matter. What matters is the contribution they make, both professionally and as a member of the community of solidarity.

Thus, many specific questions about the situation in Germany remain unanswered. This starts with a trifle, namely the ambiguous published data on the labour market participation of migrants in general, but of refugees in particular. The Federal Employment Agency regularly

reports on this in its "Arbeitsmarkt kompakt" (Labour Market in Brief) report. The categories are: unemployed, job-seekers, employable beneficiaries according to Social Act (SGB) II and job-seekers in the basic social welfare system. This data hardly provides any insights into actual labour market participation. The result is often non-factual ideological allegations and resentments. The question of whether the measures for refugees that are financed and implemented by the job centres and employment agencies achieve what they are supposed to achieve (integration into the labour market) should also be the subject of a critical analysis. After an initial study in 2016, the author of the study concluded by warning of the danger that despite or even because of the marathon of measures, mostly unrelated to practical experience, many of the participants ended up among the long-term unemployed (Knuth 2016). Some changes have been made, but with what results?

What is missing is data on the labour market participation of members of different immigration groups – e.g. immigration for family reunification, for gainful employment, for education and study purposes. The lack of such data makes it extremely difficult to refute claims that migrants are generally a burden on the welfare state. The Commission lacked a researcher who would specifically investigate welfare state issues in relation to immigration. A request for corresponding expertise was not issued. Thus, we were left with peripheral indications that new social risks are emerging for population groups in which there are significant proportions of migrants – e.g. the elderly, the poor, educationally deprived youth, low-income earners or single parents. This development leads to increased segregation in areas such as work, income, housing, social advancement, political representation – which in turn leads to silent and loud discrimination and legal claims on the solidarity system.

Germany, as a major immigration country, has an obligation to address both scientifically and politically the interactions between the immigration system and the efficiency of the welfare system. This includes questions such as: How much inequality can the welfare state tolerate without losing trust, and how much inequality can young people with few prospects for advancement in Germany tolerate? Are the riots by young men in Frankfurt and Stuttgart and in other places the first signs that these people are no longer open to offers of integration but are also unwilling to work hard for a lifetime without ever being able to achieve their goal of a prosperous life in Germany?

A recently launched research project known as "Migration and the Welfare State", which was funded by the Federal Ministry of Labour and Social Affairs, could at least provide some answers with regard to this hitherto largely taboo topic.

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### 3. Incentives for irregular migration

Core message 3, “Recognise and reduce conflicting goals between asylum and integration policy as much as possible”, advocates opening up opportunities to stay for well integrated tolerated persons who will not leave the country voluntarily and are also not being deported. This is done with the acknowledgement that integration opportunities for persons without rights to protection can be an incentive to enter Germany via an asylum procedure. Nevertheless, this recommendation ignores the fact that it further blurs the boundaries between the acceptance of persons in need of protection and irregular migration in the hope of better living conditions. This is the core problem of European and German asylum policy in a global world. This recommendation does not reinforce the acceptance of the asylum system for those actually in need of protection, although this is a crucial prerequisite for a better integration policy. In addition, the prospect of legal residency for those not in need of protection further reinforces the deplorable conditions in the asylum situation: the entry of mostly young men from safe countries of origin, the threats to life and limb, the support for trafficking organisations, the perpetuation of rejection and deportation dilemmas – all reasons why many aspects of asylum and refugee policy have proven dysfunctional in recent years, creating the impression that the government has lost control of the asylum system.

### 7.3 Dissenting opinion by Barbara John, Stefan Löwl and Daniel Thym on the weighting of the individual chapters and the catalogue of recommendations

We agree with the report, but this statement is meant to help prevent misinterpretation of the report’s content because certain topics are given significantly more weight than others. The report prominently acknowledges that integration “can only succeed if participation is also combined with the duty to actively contribute to the community of solidarity”. (core message no. 4). The wording of “promoting and demanding”, which has served as a guideline for German integration policy for the past 15 years, is mentioned only occasionally, but the Expert Commission makes a linguistically innovative plea for “participation and involvement” in the sense of integration as an overall social “permanent task that affects everyone” (Chapter 5.3). In the chapters as well as in the catalogue of recommendations, the Expert Commission’s understanding of “participation and involvement” is explained in more detail, but we see the danger that this balance in terms of content may fall short, because in purely quantitative terms, certain ques-

tions take up significantly more space than other subject areas and recommendations, and thus create the impression of a supposed imbalance. The final version supports our concern insofar as a corresponding note was added to the introduction.

For example, the statements on “racism, antisemitism, right-wing populism, right-wing extremism, right-wing terrorism and hate crime” (Chapter 3.4) comprise almost 7,000 words with 26 recommendations, while statements on Islamist terrorism and clan crime together comprise just 1,000 words and four recommendations (Chapter 3.5). A little over 1,000 words are used on resource conflicts (Chapter 3.8), whereby no prioritisation is made regarding what should be implemented first if financial resources are insufficient or if there are factual limits (see Stefan Löwl’s more comprehensive dissenting opinion), while the particularly “valuable” chapters on education and housing and urban development contain just under 14,000 and 5,000 words, respectively, with a total of 61 and 19 recommendations, respectively (Chapters 4.2 and 4.8). The quantitative weighting not only involves the length of the sections but also about how extensively arguments are addressed. For example, in the case of discrimination in education and the labour market, it is mentioned in each case that other factors such as socio-economic status, language skills and educational achievements play a much greater role than the negative effects of experiences of discrimination, which are then described in detail (Chapters 4.5.4 and 4.5.5). In the case of public service, it is correctly but only briefly stated that there is unfortunately a lack of studies to show which factors are crucial (Chapter 4.5.6).

These differences in presentation entail the risk that the public reception will focus on those aspects that occupy more space in purely quantitative terms. Let it be noted that this is not a criticism of the content of the chapters mentioned. Rather, our opinion is intended to support the comment in the introduction that the weighting does not imply that integration primarily means the dismantling of racism, discrimination and disadvantage and requires state programmes because these aspects take up more space in the report. The content of the report as a whole does not justify such a conclusion, insofar as one takes care during a perusal to read the shorter passages as thoroughly as the longer ones. Subject to the limitations in Barbara John’s dissenting opinion, the report explicitly addresses important socio-cultural areas of conflict, such as those relating to security measures in the immigration system, perceptions of criminality, incentives to irregular migration and the topic of the welfare state, albeit often only briefly due to the deficient data situation or the lack of studies in the view of the entire Expert Commission. This should not prevent the public from picking up on the critical remarks

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despite the smaller amount of space they take up. A misinterpretation is reduced by the fact that the core messages prominently proclaim that debates about integration and migration are legitimate and that the point is the “participation and involvement” of all, which the title also emphasises with the countervailing “shaping together”.

The reasons help one understand why the imbalance must not be misunderstood as a continuous narrative that sees integration primarily as a dismantling of discrimination and places the onus unilaterally on the state. Thus, the core messages and controversial recommendations were brought to a resolution in painstaking textual work by the entire Expert Commission. In contrast, there were lead authors for the chapters in each case who set their own areas of focus on the basis of their specialist expertise. This helps explain why the chapter on criminality focuses the brief passages on Islamism on socio-psychological studies, according to which socio-economic factors and early socialisation crises help explain why individuals drift into Islamist terrorism (Chapter 3.5.3), while the social causes of right-wing terrorism and hate crime are mentioned only briefly (Chapter 3.4). Accordingly, in the case of crime, the recommendations also focus on prevention, while in the case of right-wing terrorism, the focus is on victim protection and law enforcement. In both cases, however, there are also recommendations concerning the respective opposing aspect. This illustrates that the final version does not intend to utilise a unilateral approach. The brevity of other passages involve pragmatic reasons. For example, there was simply no specialist expertise among the members of the Expert Commission on individual topics such as crime statistics, and the Islamist terrorist attacks in the autumn of 2020 could only be dealt with briefly due to time constraints.

As an Expert Commission, we had set ourselves the task of addressing “the federal, state and local levels of government, and the civil society (including migrants)” in the report’s recommendations. This requirement is prominently addressed in the abstract commitment to “participation and involvement” and to integration as a process that affects the whole of society. In substance, however, the Expert Commission then concentrates on recommendations for action at the federal, state and local levels of government, as well as the municipal level. We therefore emphatically support the statement in the final version of the introduction that the purely quantitative preponderance of government measures in the list of recommendations should not be misconstrued to mean that integration is primarily the responsibility of the state. Many of the recommendations explicitly call on civil society, including the business community and migrants, to overcome existing deficits and prevent future risks that may result from misguided migration and integration policies.

We therefore now point out where the final version also emphasises participation in symbolically important sections of the report. For example, the chapter on jobs emphasises the central role companies can play in exploiting the opportunities offered by the Skilled Workers’ Immigration Act by establishing innovative training and recruitment programmes (Chapter 4.3.3). The Expert Commission advocates civic instruments such as child-care contracts between parents and daycare centres (Chapter 4.2.1) and individually negotiated integration agreements (Chapter 4.2.4). People without school-leaving qualifications should be obliged to participate in needs-oriented measures in the transition system, and the Expert Commission also supports coeducational physical education, as well as respectful treatment of female and male staff members (Chapter 4.2.2). Respect for the police should be encouraged and crimes against female and male officers should be prosecuted (Chapter 3.5). Rejected asylum seekers with exceptional permission to remain who are housed centrally should only be granted a work permit once their identity has been clarified (Chapter 4.3.8). The Expert Commission considers repatriation to be “necessary”, albeit with reference to “differing opinions” (core message no. 3 and Chapter 4.9.4). Overall, the report’s handling of the asylum issue is very balanced.

In the public discussion, these prominent examples of recommendations for private stakeholders should be considered just as much as the comparatively larger number of state measures recommended. At other points, Stefan Löwl and Daniel Thym would have liked to see recommendations that go beyond these and emphasise civil society’s own responsibility, instead of leaving it to the state anti-discrimination agency to finance legal counsel for private individuals with public funds, or to file lawsuits in its own name against private individuals or state agencies accused of discrimination (Chapter 3.4.4). This is all the more true given that, in parallel, representative action is to be made possible and – quite similar to the Berlin state anti-discrimination law – the nationwide General Equal Treatment Act (AGG) is to be extended to all state agencies (Chapter 4.5). We are not convinced by the consistent expansion of multilingualism among children and young people, with all schools offering language instruction in the native languages of important countries of origin, without clarification as to whether this should be at the expense of traditional foreign languages and other instruction (Chapter 4.1.1). We would also have liked to limit interpreting services to the first three years in order to accelerate language acquisition. Thus, the commitment to “participation” and thus the component of “demanding” could have been reinforced further in the recommendations in order to make clear that the state must actively support equal participation, but that this cannot be a substitute for personal responsibility.

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## 7.4 Comments on the previous statements

In the joint statement by Mr Thym, Ms John and Mr Löwl presented in Chapter 7.3, entire chapters in which several complex topics are bundled together are juxtaposed with individual sub-chapters in the first part, which leads to a distortion. The majority of the members of the<sup>217</sup> Expert Commission consider it inappropriate to set these phenomena off against each other. The Expert Commission is also of the opinion that the scope of words cannot be equated with the weighting of an issue and that recommendations should not only be assessed in terms of the expected costs, but first and foremost in terms of the subject matter and the requirements.

The majority also consider some statements in the three opinions of Chapter 7 to be abbreviated and therefore potentially misleading representations of the chapters to which they refer. This applies especially to the presentation of the contents of Chapters 3.4 and 3.5 in the second part of the opinion by Mr Thym, Ms John and Mr Löwl, as well as to the statements by Ms John in her opinion on crime and the welfare state and to Mr Löwl's comments on resources. We encourage readers to look at the relevant passages, which were jointly drafted over many months and agreed upon by all members of the Commission in a transparent process.<sup>218</sup>

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217 These are Petra Bendel, Herbert Brücker, Derya Çağlar, Havva Engin, Viola Georgi, Haver Kirli, Oliver Razum, Bettina Reimann, Nina Rother, Susanne Worbs, Anita Schneider, Norbert Seitz, Yasemin Shooman, Ashok Sridharan, Annette Treibel, Haci-Halil Uslucan, Hans Vorländer and Andreas Zick.

218 For the Expert Commission's deliberations on crime, see Chapter 3.5; for those on the welfare state, see primarily Chapters 4.3.2.3, 2.4, 4.3.1 and 4.3.3; and for those on resources, Chapter 3.8.

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# 8 Appendix

## 8.1 List of figures

*Figure 1:* Migrations across the borders of the Federal Republic of Germany, 1950–1990. Source: DESTATIS 2019b, own illustration. p. 19.

*Figure 2:* Migrations across the borders of the Federal Republic of Germany, 1991–2018. Source: DESTATIS 2019b, own illustration. p. 22.

*Figure 3:* Influxes and departures of nationals of the EU-28\* to and from Germany, 1996–2018. Source: DESTATIS, Population and Employment; Subject Matter Series 1.2 Wiesbaden; various years, own analysis and illustration. p. 26.

*Figure 4:* Influxes of third country nationals by purpose of residence and residence title, 2010–2018 (in 1,000 persons). Source: BAMF, The Federal Office in Numbers, editions 2010–2018; own illustration. p. 27.

*Figure 5:* Asylum applications in Germany since 1953. Source: Asylum applications in Germany since 1953, BAMF. p. 31.

*Figure 6:* The trend of foreign population in Germany, 1980–2018. Source: BMI/BAMF 2020. Pre-1991 figures for West Germany. p. 41.

*Figure 7:* The population of Germany by migration background, 2018. Source: BMI/BAMF 2020. p. 41.

*Figure 8:* Vocational qualification and university degrees of the population with and without a migration background, and new immigrants, 2005–2018 (proportions in per cent). Source: Micro census; cf. Seibert/Wapler 2020. p. 43.

*Figure 9:* Rejective attitudes towards migration are decreasing in the population (proportions of respondents who support statements that reject migration). The figure is based on our own weighted analyses of Allbus Trend File 1980–2016, ZA4586\_v1. p. 51.

*Figure 10:* Significance of the topic of migration and integration over time. Elections Research Group: Political Barometer: Important Problems in Germany since 01/2000; survey period: 21/1/2000–31/7/2020, p. 53.



## 8.2 Bibliography

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## 8.3 Members of the Expert Commission

### **Derya Çağlar** (Chairperson)

Member of the Berlin House of Representatives

### **Ashok Sridharan** (Chairperson)

Former Lord Mayor of the City of Bonn

### **Dr Petra Bendel**

Professor of Political Science and Managing Director of the interdisciplinary Central Institute for Regional Research at Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU); Chairperson of the Scientific Advisory Board of the Federal Office for Migration and Refugees (BAMF), Chairperson of the Expert Council of German Foundations on Integration and Migration (SVR)

### **Dr Herbert Brücker**

Head of the Migration, Integration and International Labour Market Research Department at the Institute for Employment Research (IAB) of the Federal Employment Agency

### **Dr Havva Engin**

Director of the Heidelberg Centre for Migration Research and Transcultural Pedagogy

### **Dr Viola Georgi**

Professor for Diversity and Democracy and Director of the Centre for Educational Integration, Diversity and Democracy in Migration Societies at the University of Hildesheim

### **Prof. Barbara John**

Coordinator for Language Development of the Berlin Senate Department

### **Hacer Kiri**

Integration and Equal Opportunities Officer of the Municipality of Wennigsen (Deister, Lower Saxony)

### **Dr Martin Kroh**

Professor of Methods of Empirical Social Research with a focus on Quantitative Methods at Bielefeld University and Research Fellow of the Socio-Economic Panel (SOEP) infrastructure facility at DIW Berlin.

### **Dr Thomas Liebig**

Senior Economist in the International Migration Division at the OECD.

### **Stefan Löwl**

District Administrator of the Dachau district

### **Dr Oliver Razum**

Dean of the Faculty of Health Sciences at Bielefeld University

### **Dr Bettina Reimann**

Team and project leader and research associate at the German Institute of Urban Affairs (Difu)

### **Dr Andreas Rödder** (resigned on 22 September 2020)

Professor of Modern History at Johannes Gutenberg University Mainz

### **Dr Nina Rother**

Head of Division at the Research Centre of the Federal Office for Migration and Refugees (BAMF) (alternating with Dr Susanne Worbs)

### **Anita Schneider**

District Administrator of the Gießen district

### **Norbert Seitz**

Member of the Board of the German Forum for Crime Prevention (DFK)

### **Dr Yasemin Shooman**

Scientific Director of the German Centre for Integration and Migration Research (DeZIM Institute)

### **Dr Petra Stanat**

Director of the Institute for Quality Development in Education (IQB) at Humboldt University Berlin

### **Dr Daniel Thym**

Professor of Public Law, European and International Law at the University of Konstanz

### **Dr Annette Treibel**

Professor of Sociology at the Institute for Transdisciplinary Social Science at Karlsruhe University of Education and Head of the Intercultural Education, Migration and Multilingualism master's degree programme there.

### **Dr Haci-Halil Uslucan**

Director of the Centre for Turkish Studies and Integration Research; Professor of Modern Turkish Studies and Integration Research at the University of Duisburg-Essen

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**Dr Hans Vorländer**

Professor of Political Theory and History of Ideas at the Technical University of Dresden; Director of the Centre for Constitutional and Democracy Studies and the Mercator Forum for Migration and Democracy (MIDEM) at TU Dresden

**Dr Susanne Worbs**

Head of Division at the Research Centre of the Federal Office for Migration and Refugees (BAMF) (alternating with Dr Nina Rother)

**Dr Andreas Zick**

Professor of Socialisation and Conflict Research at the Faculty of Education, Bielefeld University; Director of the Institute for Interdisciplinary Research on Conflict and Violence (IKG)

## 8.4 Administrative office of the Expert Commission

**Nils Stütze****Dr Anita Renusch**

Nadia Rouhani (until 31 March 2020)

**Ronny Lies****Nicole Dworschak**

## 8.5 External experts consulted by the Expert Commission and the administrative office

**Joshua Kwesi Aikins**

Citizens For Europe

**Nele Allenberg**

Director of Welcome Centre in Berlin

**Dr Steffen Angenendt**

Head of the Global Issues Research Group, Stiftung Wissenschaft und Politik (German Institute for International and Security Affairs)

**Kerim Arpad**

Managing Director, Deutsch-Türkisches Forum Stuttgart e. V.

**Friederike Becker**

Head of Department for Asylum Affairs and Deputy Head of the State Office for Immigration (LEA), Berlin

**Dr Jörg Bogumil**

Ruhr-University Bochum, Chair of Political Science/ Public Administration, Urban and Regional Policy

**Dr Martin Burgi**

Ludwig-Maximilians-University Munich, Professor of Public Law, Economic Administrative Law, Environmental and Social Law at the Research Centre for Public Procurement Law and Administrative Cooperation

**Stefan Goller-Martin**

Head of Office, Office for Social and Family Affairs, City of Ravensburg

**Kevin Gurka**

Department of Integration Policy, City of Stuttgart

**Martin Hikel**

District Mayor of Berlin (district of Neukölln)

**Suzana Hofmann**

Director of Welcome Centre in Stuttgart

**Veronika Kienzle**

Chairperson of the District Council for Stuttgart Mitte

**Dr Kornelius Knapp**

Director of the Stuttgart Education Partnership



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**Dr Sabine Kuhlmann**

University of Potsdam, Professor of Political Science,  
Administration and Organisation and Member of the  
National Standard Control Council

**Engelhard Mazanke**

Director of the State Office for Immigration (LEA),  
Berlin

**Ayse Özbabacan**

Deputy Head of the Department of Integration Policy,  
City of Stuttgart

**Gari Pavkovic**

Head of the Department of Integration Policy,  
City of Stuttgart

**Dr Hannes Schammann**

University of Hildesheim, Professor of Political Science  
with a focus on Migration Policies

**Gabriele Schulz**

Deputy Managing Director of the German  
Cultural Council

**Dr Matthias Schulze-Böing**

Head of the Office for Employment Promotion,  
Statistics and Integration of the City of Offenbach

**Stefan Spatz**

Social Security Office, Stuttgart

**Dr. Alexandra Sußmann**

Mayor for Social Affairs and Social Integration,  
City of Stuttgart

**Jochen Wacker**

Head of the Department of Migration/Participation,  
Job Centre Stuttgart

**Kirstin Walsleben**

German Association of Cities and Towns

**Sascha Wenzel**

Managing Director, Freudenberg Foundation

**Olaf Zimmermann**

Managing Director of the German Cultural Council

## 8.6 Overview of the expert opinions

Topics	Experts
“Anti-discrimination and equality data” (ADGD) in Germany and in an international context.	Joshua Kwesi Aikins, Daniel Gyamerah and Deniz Yildirim from Citizens For Europe gUG
Media: Political and public communication; media reporting on the topic of migration	Dr Michael Haller
Media: Political and public communication; “How complex migration/integration issues are presented in selected social media (focus: platform media)” in user comments	European Institute for Journalism and Communication Research e.V.
The host society in publications and surveys on integration and migration: Measurement instruments for capturing migration background and attitudes	Alex Wittlif (Research Associate at the Expert Council of German Foundations on Integration and Migration – SVR)
Hate violence and new media in Germany – a current assessment	Adjunct Prof. Dr. Uwe Backes, Hannah Arendt Institute for Research on Totalitarianism at TU Dresden, with the cooperation of Anna-Maria Haase and Maximilian Kreter
Crime: Adolescents, migration biography and gangs	Dr. Steffen Zdun (Research Associate at the Institute for Interdisciplinary Research on Conflict and Violence (IKG), Bielefeld University)
Research findings on naturalisation barriers in Germany	Dr Martina Sauer, Foundation Centre for Turkish Studies and Integration Research
Migrant economy/economies	Institute for Work and Technology (IAT) of the Westphalian University of Applied Sciences - Gelsenkirchen, Bocholt, Recklinghausen
Migrant economy Professional self-employment and enterprises of migrants in Germany	Dr René Leicht, Ralf Philipp, Dr Michael Woywode (Institute for Small and Medium Sized Business Research, University of Mannheim)
Integration and migration from the perspective of young people. Thematic examination of the state of research; empirical analyses on attitudes toward integration and migration.	Stefan Hofherr, German Youth Institute

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